



## **Packet Related Material**

### **Memo**

### **Agenda**

### **Calendar**

### **Reports - Actions**

#### **Disclosure of Conflict of Interest for Mike Diekhoff**

Contact: Dan Sherman at 349-3562 or [shermamd@city.bloomington.in.us](mailto:shermamd@city.bloomington.in.us)

### **Notices and Agendas:**

**Schedule of Council Meetings** for July through early September

### **Legislation for Final Action:**

**Res 03-23** Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

- Memo from Peggy Gudal, Director of Housing Authority

Contact: Peggy Gudal, Director of Housing Authority, at 339-3491 ext 122 or [pgudal@blha.net](mailto:pgudal@blha.net)

**Res 03-08** To Authorize an Advance from the Special Non-Reverting Improvement Fund to Make Improvements to the Animal Shelter

(Please see the July 11<sup>th</sup> packet for legislation, summary and materials)

Contact: John Freeman at 349-3410 or [freemanj@city.bloomington.in.us](mailto:freemanj@city.bloomington.in.us)

Laurie Ringquist at 349-3492 or [ringquil@city.bloomington.in.us](mailto:ringquil@city.bloomington.in.us)

Tom Guevara at 349-3412 or [guevarat@city.bloomington.in.us](mailto:guevarat@city.bloomington.in.us)

**Res 03-17** To Approve the First Amendment to an Interlocal Cooperation Agreement Between the City and Monroe County for a Combined Emergency Dispatch System

(Please see the July 11<sup>th</sup> packet for legislation, summary and materials)

Contact: Mike Hostetler at 349-3307 or [hostetlm@city.bloomington.in.us](mailto:hostetlm@city.bloomington.in.us)

Jennifer Lloyd at 349-3549 or [lloydj@city.bloomington.in.us](mailto:lloydj@city.bloomington.in.us)

**App Ord 03-06** To Specially Appropriate from the Telecommunications Non-Reverting Fund (Infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds for High-Speed Data Connectivity to Seven City Sites)

(Please see the July 3<sup>rd</sup> Packet for Summary, Legislation, and Background Materials)

Contact: Greg Volan at 349-3485 or [volang@city.bloomington.in.us](mailto:volang@city.bloomington.in.us)

**Res 03-16** To Authorize the City to Enter into a “Guaranteed Energy Savings Contract” with Energy Systems Group (Improvements to Dillman Road Wastewater Treatment Plant)

*(Please see the July 11<sup>th</sup> packet for legislation, summary and materials)*

*Contact: Mike Phillips at 349-3650 or phillipm@city.bloomington.in.us*

*Vickie Renfrow at 349-3426 or renfrowv@city.bloomington.in.us*

**Two Resolutions Authorizing Refunding of Installment Payments**

**Memo** from Vickie Renfrow, Assistant City Attorney

**Res 03-18** To Authorize an Amended and Restated Installment Payment Contract, Dated as of July, 2003, By and Between the City of Bloomington and Fifth Third Leasing Company to Amend and Restate Its \$1,296,566 Installment Payment Contract Dated as of August 4, 1999, as Supplemented, and Authorizing Other Actions, Including Without Limitation, Execution of IRS Form 8038-G and Related Tax Certificates or Documents in Connection with the Issuance of Such Lease Obligations

**Res 03-19** To Authorize an Amended and Restated Installment Payment Contract, Dated as of July, 2003, By and Between the City of Bloomington and Fifth Third Leasing Company to Amend and Restate Its \$250,463 Installment Payment Contract Dated as of April 4, 2001, as Supplemented, and Authorizing Other Actions, Including Without Limitation, Execution of IRS Form 8038-G and Related Tax Certificates or Documents in Connection with the Issuance of Such Lease Obligations

*Contact: Vickie Renfrow at 349-3557 or renfrowv@city.bloomington.in.us*

**Legislation and Background Material for First Reading:**

**Ord 03-17** To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Affecting Class D Parking Fines, Display of Parking Permits, Appeals, and Other Miscellaneous Regulations)

- Memo from James McNamara, Deputy Mayor (*forthcoming*); Excerpts of Title 15 Incorporating Amendments

*Contact: James McNamara at 349-3406 or mcnamarj@city.bloomington.in.us*

**Ord 03-18** To Amend Chapter 15.26 of the Bloomington Municipal Code Entitled “Neighborhood Traffic Safety Program” (Amending Schedule J-1 in Order to Identify Traffic Calming Devices to be Installed on West Third Street Between Maple Street and Walker Street)

- Memo from Justin Wykoff, Manager of Engineering Services; XXX

*Contact: Justin Wykoff at 349-3593 or wykoffj@city.bloomington.in.us*

**Minutes from Regular Session:**

*None*

## **Memo**

**Reminder: Budget Hearings Begin Monday at 7:00 p.m.**

**One Disclosure Ready for Acceptance, Seven Items Ready for Final Action, and Two Items Ready for Introduction at Regular Session on Wednesday, July 23rd**

There are a number of actions for you to take next Wednesday which are briefly noted in the following paragraphs. They include one disclosure of a conflict of interest for Mike Diekhoff and seven items ready for final action. Please note that three of those items come forward without discussion at the Committee of the Whole and information regarding them can be found in this packet. Also, please note that another of those items, **App Ord 03-06**, will need to be postponed until August 6<sup>th</sup>.

Along with those items there are two ordinances ready to be introduced and information regarding them can be found in this packet. They will be joined by five new resolutions which should go out with next Friday's packet.

### **Reports - Disclosure of Conflict of Interest**

Disclosure of Conflict of Interest for Mike Diekhoff (he is captain in the Bloomington Police Department and will be asked to consider legislation affecting his compensation and his department) (*Found in this packet*)

### **Items Ready for Final Action**

**Res 03-23**                      (*New*) Waiving Payments by the Housing Authority to the City in Lieu of the Payment of Property Taxes

**Res 03-08**                      Authorizing an Advance of \$370,000 from the Special Non-Reverting Improvement Fund for Constructing an Addition onto the Animal Shelter

**Res 03-17**                      Amending the Interlocal Agreement with the County Regarding the Combined Emergency Dispatch System

**App Ord 03-06**     Appropriating \$49,990 from the Infrastructure Portion of the Telecommunications Fund to Provide High-Speed Access to the City Network for Seven Remote Facilities

*Note:            State law requires that we publish notice 10 days in advance of the final hearing on appropriation ordinances. Unfortunately, this was a rare occasion when the H-T did not post an ad that it received on time. The Council should move to postpone action on this item until August 6, 2003.*

**Res 03-16**            Entering into a \$2.37 Million Energy Savings Contract with Energy Systems Group for Improvements to the Dillman Road Wastewater Treatment Plant

**Res 03-18**            (New) Refunding Remaining Portion of Installment Contract on the \$1.29 Million Energy Savings Contract to Lower Interest Rate

**Res 03-19**            (New) Refunding Remaining Portion of Installment Contract on the \$250,000 Energy Savings Contract to Lower Interest Rate

**Items Ready for First Reading at July 23<sup>rd</sup> Regular Session**

**Ord 03-17**            Amending Title 15 of the Bloomington Municipal Code by Raising Parking Fines and Affecting Provisions Regarding the Display of Parking Permits, Appeals, and Other Miscellaneous Matters

**Ord 03-18**            Amending Chapter 15.26 of the Bloomington Municipal Code Entitled “Neighborhood Traffic Safety Program” in Order to Authorize the Installation of Traffic Calming Devices (9 Street Narrowing Bump Outs) on West Third Street Between Maple Street and Walker Street

**Reports**

**Annual Disclosure of Conflict of Interest for Mike Diekhoff**

As you all know Mike Diekhoff is a captain in the Police Department and is allowed by state law to serve on the Common Council. Since we will be considering salary

legislation and an appropriation ordinance this September relating to the Police Department, it is proper for Mike to formally disclose that, as a member of the Council, he will be asked to consider legislation that sets and appropriates his pay as a city employee. In order to avoid any appearance of impropriety and to shield him from any potential liabilities, I have prepared a Disclosure of Conflict of Interest form that covers these and other council actions that would affect the Police Department. He is submitting this disclosure form (*enclosed with this material*) for your acceptance during reports from council members on July 23<sup>rd</sup>.

## **Final Actions**

### **Item One - Res 03-23 Waiving Payments to the City from the Bloomington Housing Authority**

**Res 03-23** is an annual resolution requested by the Housing Authority waiving any payment that we might require in lieu of the property taxes that it does not pay. I.C. 36-718-25 exempts housing authorities from the payment of taxes, but provides that these entities may pay up to the estimated cost of services that it receives from political subdivisions. The resolution supports the waiver by noting the duties performed by the housing authority that might be provided by the City and acknowledging the benefits we receive as a City from its services. Peggy Gudal, Director of the Housing Authority, estimated in her memo to the Council that the Housing Authority would otherwise pay the City about \$5,000.

### **Items Six and Seven - Authorizing the Refunding of Two Installment Contracts for Energy Savings Improvements Made in 1999 (Res 03-18) and 2001 (Res 03-19)**

The next two items are resolutions that were briefly mentioned at the end of the presentation by the representative of ESG last Wednesday night. After explaining the benefits of entering into a new \$2.371 million Energy Savings Contract for improvements to Dillman Wastewater Treatment Plant (see Res 03-16), Doug Tischbein suggested that the City could save about \$40,000 by lowering the interest rate on the remaining portion of the installment contracts for the two existing contracts.

ESG entered into a \$1.29 million energy savings contract with the City for improvements to facilities in the Public Works, Parks and Recreation, and Utilities departments in 1999 (Res 99-24) and entered into a smaller \$250,463 energy savings contract with Parks and Recreation for improvements at the ice rink in 2001 (Res 01-

04). After completing the work, ESG assigned its rights to the 10-year installment payments to two financial institutions.

These financial institutions will refinance the remaining portions of the principle on these two contracts at lower interest rates and with no other changes to the contract.

The resolutions state that:

- the City is refinancing these obligations in order to lower the interest payments;
- the refinancing takes the form of refunding prior obligations for purposes of the IRS;
- the Mayor, Controller and City Clerk are authorized to execute the amended contract and related IRS forms;
- these officials are further authorized to take other actions necessary to carry out these transactions;
- minor changes in the underlying documents may be made as long as they are not adverse to the City; and
- the consideration of the legislation complied with the Open Door Law.

**Res 03-18** authorizes the City to enter into a contract with Fifth Third Leasing Company to lower the interest rate on the remaining 12 installment payments from 5.55% to 3.9% at an estimated savings of about \$28,600.

**Res 03-19** authorizes the City to enter into a contract with Fifth Third Bank to lower the interest rate on the remaining 16 installment payments from 5.3% to 3.9% at an estimated savings of about \$11,000.

Please see the attached memo from Vickie Renfrow for further information on these items.

## **First Readings**

### **Item One - Ord 03-17 Amending Title 15 (Vehicles and Traffic) by Raising Parking Fines and Affecting Provisions Regarding the Display of Parking Permits, Appeals, and Other Miscellaneous Matters**

**Ord 03-17** amends Title 15 of the BMC entitled "Vehicles and Traffic" by raising the Class D escalating fines and making other changes in the code that are all briefly noted below.

## Raising Parking Fines

The ordinance raises the escalating fines for Class D parking violations. The Class D violations cover almost all of the parking regulations except for those dealing with parking in a fire lane, handicapped space, or a leased stall, and a few that are lesser known. These escalating fines would increase from \$12 to \$15 if they are paid within 7 calendar days of issuance of the ticket and from \$17 to \$30 if they are paid after that date. Although the revenues are difficult to predict, the increase in fines is intended to help offset the rising costs of our parking program which, in recent years, include the construction of two new parking garages.

## Display of Parking Permits

The ordinance gives the Board of Public Works the responsibility for determining where parking permits must be displayed on motor vehicles. At present the municipal code either specifies where the permits must be placed or leaves the matter in the hands of the Parking Enforcement office. This change would require those policies to be acted upon by the Board of Public Works before they could go into effect.

## Appeals

The ordinance expands the scope of violations which can be appealed to the City Clerk. Regina's office has been hearing appeals under the Residential Neighborhood Parking Permit program for over a year and this ordinance will formalize that practice. It also reflects another existing practice, by expanding the hours during which appeals can be heard from 9:00 a.m. to 4:00 p.m. (rather than noon).

## Other Miscellaneous Changes

The ordinance also makes other "house-keeping" changes noted below by:

- removing references to two municipal lots that no longer exist - Lot 4 (4<sup>th</sup> and Morton - WonderLab) and Lot 8 (6<sup>th</sup> and Morton - Register Center)
- adding "permit displayed on ineligible motor vehicle" to the list of Class F violations (\$20 fine);
- adding "unauthorized parking in lots and garages" to the list of Class D violations (escalating \$15/\$30 fines); and
- deleting some of the references to the blue permit for county employees who work in the Health or Justice buildings (The County has started a shuttle bus

for these employees and it appears that blue zones will be either reduced or eliminated after this year.)

**Item Two - Ord 03-18 Authorizing Traffic Calming Devices on West 3<sup>rd</sup> Street Between Walker and Maple Streets**

**Ord 03-18** amends schedule J-1 of the BMC to authorize traffic calming devices in the form of nine street narrowing "bump-outs" on West 3<sup>rd</sup> Street between Walker and Maple streets. This proposal has come forward under the procedures set forth in the Neighborhood Traffic Safety Program (NTSP) (attached), which is incorporated into Chapter 15.26 of the BMC. The following paragraphs briefly explain the purpose of the NTSP and then call upon the memo and material provided by Justin Wykoff, Manager of Engineering Services, to summarize the steps this proposal has taken so far under the program.

**Purpose of the NTSP**

The City adopted the NTSP in 1999. It declares the policies and sets forth the procedures to be followed in order to install traffic calming devices. Traffic calming devices can take many forms but, in general, include any physical modification of the roadway that is intended to slow traffic. The introduction to the NTSP offers the following four goals for the program:

- Lessening the negative effects of vehicular traffic in order to improve the "livability" of neighborhoods;
- Promoting safe, convenient, accessible, and pleasant conditions for all who use neighborhood streets;
- Encouraging citizen involvement in the program; and
- Efficiently using City and citizen resources and energy.

**Step One - Application - May 24, 2002**

The NTSP requires neighborhood associations, businesses or individuals to submit an application to the Engineering Department stating the problem to be addressed by traffic calming and signed by a council member and at least 51% of directly affected households and businesses. On May 24, 2002, the Prospect Hill Neighborhood Association submitted the petition signed by a Councilmember Cole and the requisite number of directly affected households. It referred to the "excessive speed and volume (of traffic) as well as safety concerns and ignoring of regulatory signs along (this portion of) 3<sup>rd</sup> (Street)."

## Step Two - Verify the Petition, Assess the Problem, Consult with Safety Services, and Present Report to Bicycle and Pedestrian Commission

Next the guidelines require the Engineering Department to verify the petition, conduct a preliminary assessment of the problem, and meet with the safety services in regard to it. Based upon traffic speeds (which indicated that 85% of the westbound motorists were traveling at or below 33 m.p.h. between Buckner and Davidson), traffic counts (which indicated that a little over 900 cars travel on this one-way street every day), accident history (which indicated four accidents in the preceding four years), and unanimous opposition to speed bumps by the emergency services personnel, the Engineering Department sought a unique solution to the problem.

## Step Three - Bicycle and Pedestrian Safety Commission - July 19, 2002

In accordance with the guidelines, the Bicycle and Pedestrian Safety Commission considered the petition and staff report on July 19, 2002 and voted in favor of pursuing some sort of traffic calming devices at that location.

## Step Four - Public Meeting - October 19, 2002

The guidelines call for the department to bring residents and emergency service providers together to "help exchange ideas, address concerns and discuss possible traffic safety." That meeting occurred on October 19, 2002 and was attended by 19 residents.

## Step Five - Preparation of Alternative Designs and Selection of Proposed Plan - Nine Bump Outs

The Bicycle and Pedestrian Safety Commission and staff considered proposals to slow traffic on West Third Street from Rogers Street to Walker Street. After reviewing traffic data and hearing from the adjacent households, they eventually focused on the portion between Maple and Walker. The proposal includes two parts. The first part called for alternate side parking from Maple to Davisson. Although alternate side parking serves as a traffic calming measure, this part of the proposal has already proceeded through the Traffic Commission and Council (Ord 03-12), because it does not involve the significant investment and more permanent alteration in the roadway characteristic of a traffic calming "device." The second part of the proposal calls for the installation of nine bump outs between Maple and Walker, which Justin Wykoff estimates will cost about \$15,000. Justin has indicated that these bump outs will be effective in slowing traffic by narrowing the street. He says

that it will also protect people, by reducing the distance it takes to cross the street, and protect cars, by placing barriers along the parking lanes.

#### Step Six - Project Ballot

The guidelines require staff to ballot the affected households and to bring the project to the Council only if at least 50% vote in favor of the proposal. In the event less than 50% respond to the ballot, but at least 60% of those who respond vote in favor of it, then the guidelines call for a second ballot to be sent out to those who did not respond the first time around. As a result of the latter, second-balloting procedure, the affected household supported the proposal by 55% (with 26 in favor and 6 opposed out of a total of 46 ballots).

#### Step Seven - Testing and Evaluation of Device

The guidelines provide for the staff to test devices to determine their effectiveness. In this case, the Engineering Department used traffic cones to test the size and location of the bump outs.

#### Step Eight - Council Action

The guidelines and code require the Council to approve the project. As mentioned above, the ordinance amends Chapter 15.26 of the BMC regarding Neighborhood Traffic Safety Program by adding these locations and devices to Schedule J-1

#### Subsequent Steps Nine Through Eleven

Once the Council has acted in favor of the project, the Engineering Department will submit detailed plans and specification to the Board of Public Works for approval (Step Nine). Then, upon approval, the City will install the devices (Step Ten). The devices will be maintained by the Public Works Department, the trees will be maintained by the Parks and Recreation Department, and the other landscaping will be maintained by the neighborhood association (Step Eleven). After the devices have been installed for six months, the City may choose to reevaluate their effectiveness (Step Twelve).

**NOTICE AND AGENDA**  
**BLOOMINGTON COMMON COUNCIL REGULAR SESSION**  
**7:30 P.M., WEDNESDAY, JULY 23, 2003**  
**COUNCIL CHAMBERS**  
**SHOWERS BUILDING, 401 N. MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

**1. Councilmembers**

- Disclosure of Conflict of Interest – Councilmember Diekhoff

**2. The Mayor and City Offices**

**3. Council Committees**

**4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Resolution 03-23 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Committee Recommendation: None

2. Resolution 03-08 To Authorize an Advance from the Special Non-Reverting Improvement Fund to make Improvements to the Animal Shelter

Committee Recommendation: Do Pass 8 – 0

3. Resolution 03-17 To Approve the First Amendment to an Interlocal Cooperation Agreement Between the City and Monroe County for a Combined Emergency Dispatch System

Committee Recommendation: Do Pass 8 – 0

4. Appropriation Ordinance 03-06 To Specially Appropriate from the Telecommunications Non-Reverting Fund (Infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds for High-Speed Data Connectivity to Seven City Sites)

Committee Recommendation: Do Pass 8 – 0

*\* Motion to Postpone until August 6, 2003*

5. Resolution 03-16 To Authorize the City to Enter into a “Guaranteed Energy Savings Contract” with Energy Systems Group (Improvements to Dillman Road Wastewater Treatment Plant)

Committee Recommendation: Do Pass 7 – 0 – 1

6. Resolution 03-18 To Authorize an Amended and Restated Installment Payment Contract, Dated as of July, 2003, By and Between the City of Bloomington and Fifth Third Leasing Company to Amend and Restate its \$1,296,566 Installment Payment Contract Dated as of August 4, 1999, as Supplemented, and Authorizing other Actions, Including without Limitations Execution of IRS Form 8038-G and Related Tax Certificates or Documents in Connection with the Issuance of such Lease Obligations

Committee Recommendation: None

7. Resolution 03-19 To Authorize an Amended and Restated Installment Payment Contract, Dated as of July, 2003, By and Between the City of Bloomington and Fifth Third Bank to Amend and Restate its \$250,463 Installment Payment Contract Dated as of April 4, 2001, as Supplemented, and Authorizing other actions, Including without Limitation, Execution of IRS Form 8038-G and Related Tax Certificates or Documents in Connection with the Issuance of such Lease Obligations

Committee Recommendation: None

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 03-17 To Amend Title 15 of the Bloomington Municipal code Entitled “Vehicles and Traffic” (Affecting Class D Parking Fines, Display of Parking Permits, Appeals, and Other Miscellaneous Regulations)

2. Ordinance 03-18 To Amend Chapter 15.26 of the Bloomington Municipal Code Entitled “Neighborhood Traffic Safety Program” (Amending Schedule J-1 in Order to Identify Traffic Calming Devices to be Installed on West Third Street Between Maple Street and Walker Street)

**VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

**IX. ADJOURNMENT**

City of  
Bloomington  
Indiana

City Hall  
401 N. Morton St.  
Post Office Box 100  
Bloomington, Indiana 47402



Office of the Common Council  
(812) 349-3409  
Fax: (812) 349-3570  
email: [council@city.bloomington.in.us](mailto:council@city.bloomington.in.us)

**To: Council Members**  
**From: Council Office**  
**Re: Calendar for the Week of**  
**July 21, 2003 – July 26, 2003**  
**Date: July 19, 2003**

Monday, July 21, 2003

4:00 pm Council for Community Accessibility, McCloskey  
5:00 pm Farmers' Market Advisory Council, Showers Building – Room 250  
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room  
7:00 pm Common Council Departmental Budget Hearings, Council Chambers  
7:00 pm Community and Family Resources Commission, McCloskey

Tuesday, July 22, 2003

4:00 pm Board of Park Commissioners, Council Chambers  
5:30 pm Public Transportation Corporation Board, Public Transportation Center, 130 W. Grimes  
7:00 pm Common Council Departmental Budget Hearings, Council Chambers

Wednesday, July 23, 2003

10:00 am Tree Commission, Bryan Park North Shelter  
5:30 pm Traffic Commission, Council Chambers  
6:30 pm Metropolitan Planning Organization – Citizen Advisory Committee, McCloskey  
7:30 pm Common Council Meeting – Regular Session, Council Chambers

Thursday, July 24, 2003

7:00 pm Common Council Departmental Budget Hearings, Council Chambers  
7:00 pm Environmental Commission, McCloskey

Friday, July 25, 2003

*No meetings are scheduled for today.*

Saturday, July 26, 2003

7:00 am Bloomington Community Farmers' Market, Showers Commons

**NOTICE & SCHEDULE  
FOR COUNCIL BUDGET-RELATED HEARINGS AND  
OTHER REGULARLY SCHEDULED MEETINGS  
TO BE HELD IN JULY, AUGUST & EARLY SEPTEMBER OF 2003  
Budget Hearings (7:00 pm) and Regular Meetings (7:30 pm)  
in the City Council Chambers  
Showers Center - 401 North Morton**

**July**

Wednesday, July 9, 2003      Presiding:      Gaal      7:30 pm

**Common Council Regular Session**

Wednesday, July 16, 2003      Chair:      Sabbagh      7:30 p.m.

**Council Committee of the Whole**

Monday, July 21, 2003      Chair      Banach      7:00 pm

**Departmental Hearings**

Employee Services

Legal      *(Includes Human Rights and Board of Public Safety as Programs)*

Risk Management

Information and Technology Services

Mayor's Office

City Council

City Clerk

Controller      *(Includes Bonds and Leases)*

Tuesday, July 22, 2003      Chair:      Cole      7:00 pm

**Departmental Hearings**

**Public Transit**

Utilities

Wednesday, July 23, 2003      Presiding:      Gaal      7:30 pm

**Council Regular Session**

Thursday, July 24, 2003      Chair: Diekhoff      7:00 pm

**Departmental Hearings**

Planning

Housing and Neighborhood Development

Community and Family Resources

Parks and Recreation

Monday, July 28, 2003      Chair:      Mayer      7:00 pm

**Departmental Hearings**

Police Department

Police Pension

Fire Department

Fire Pension

Tuesday, July 29, 2003      Chair: Pizzo      7:00 p.m.

**Departmental Hearings**

**Public Works**

Public Works General  
Engineering  
Street  
Sanitation (and Recycling)  
Fleet Maintenance  
Animal Control  
Traffic Control  
Parking Enforcement  
Telecommunications

Wednesday, July 30, 2003      Chair: Rollo      7:30 p.m.

**Council Committee of the Whole**

**August**

Wednesday, August 6, 2003      Presiding: Gaal      7:30 p.m.

**Common Council Regular Session**

*(Council August Recess Begins After August 6<sup>th</sup> Meeting and ends September 3<sup>th</sup> 2003)*

**September**

Wednesday, September 3, 2003      Presiding: Gaal      7:30 p.m.

**Common Council Regular Session**

Introduction of Budget Related Ordinances

*(Immediately followed by)*      Chair: Ruff

**Common Council Committee of the Whole**

Discussion of Budget Related Ordinances

Wednesday, September 10, 2003      Presiding: Gaal      7:30 p.m.

**Common Council Special Session**

Final Action on Budget Related Ordinances

*(Immediately followed by)*      Chair: Sabbagh

**Common Council Committee of the Whole**

*(Council intends to meet on the remaining Wednesdays in September according to its usual schedule.)*

Dated and Posted: July 3, 2003

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT  
(Pursuant to and in compliance with Indiana Code 35-44-1-3)

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant has a conflict of interest subject to disclosure. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of the public servant, a child, stepchild, or adoptee (as defined in I.C.31-3-4-1) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

1. Name and address of Public Servant Submitting Statement:

Michael Diekhoff

2. Title or Position with Governmental Agency: Council Member for District 3

3. a. Governmental Entity: City of Bloomington  
b. County: Monroe

4. This statement is submitted:

a. ☒ as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; and

b. ☒ as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. Names(s) of Contractor(s) or Vendor(s): Not applicable - see #6 and #7 below.

6. Description of Contract(s) or Purchase(s) (Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates are required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship):

On September 3<sup>rd</sup> and 10<sup>th</sup>, 2003 the Common Council will be considering an ordinance setting the compensation for members of the Police and Fire Departments for the year 2004 and considering an appropriation ordinance establishing the budget for the Civil City in the year 2004, which includes the budget for the Police Department. And, from time to time the Common Council may consider other legislation that either directly or indirectly affects the Police Department.

7. Description of My Financial Interest (Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); If reasonably determinable, state the approximate dollar value of such profit or benefit.):

Councilmember Michael Diekhoff is a Captain in the Bloomington Police Department who is allowed to serve in both capacities pursuant to I.C.36-8-3-12. As a council member he would be in a position to vote on legislation that sets the maximum compensation for employees of the Police Department, including the position of Captain, and appropriate funds for that purpose. As a Captain in the Police Department during the year 2004, Councilmember Diekhoff will receive approximately \$50,399 a year - excluding annual

increases, overtime (valued at approximately \$25.00 per hour), pension allocations, health insurance, and other incidents of employment.

From time to time Councilmember Diekhoff may be asked to consider legislation or take other actions which either directly or indirectly affect the Police Department. The presence of a pecuniary interest in those circumstances is unlikely, but where present, the amount of the pecuniary interest would not be reasonably determinable.

8. Approval of Appointing Officer or Body (To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university):

Not applicable for council members or their appointees.

9. Effective Dates (Conflict of interest statements must be submitted to governmental entity prior to final action on the contract or purchase.):

Date Submitted: July 23, 2003

Date Accepted: July 23, 2003

Attested:

\_\_\_\_\_  
Regina Moore, Clerk

Date of Actions: - Police and Fire Salary Ordinance - September 10, 2003,  
- Appropriation Ordinance Setting Budget for the Year 2004, September 10, 2003, and  
- Other Potential Legislation – Undetermined Dates after July 23, 2003

10. Affirmation of Public Servant: This disclosure was submitted to the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Within 15 days following execution, copies of this statement must be filed with the State Board of Accounts, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204 - 2738, and the Clerk of the Circuit Court of the county in which the governmental entity executed the contract or purchase. A copy of this disclosure will be forwarded to the Indiana State Ethics Commission.

**RESOLUTION 03-23**

**WAIVING CURRENT PAYMENTS IN LIEU OF TAXES  
BY THE BLOOMINGTON HOUSING AUTHORITY TO THE CITY**

- WHEREAS, the Bloomington Housing Authority provides a public service to the Bloomington community; and
- WHEREAS, the Bloomington Housing Authority provides sanitary, safe and affordable housing for low income people; and
- WHEREAS, the Bloomington Housing Authority provides services to its residents which, if not so provided, would be provided by the City of Bloomington at additional expense to the City of Bloomington; and
- WHEREAS, according to I.C. 36-7-18-25, the Bloomington Housing Authority is exempt from all taxes; and
- WHEREAS, payments in lieu of taxes by the Bloomington Housing Authority are specifically authorized by I.C. 36-7-18-25; and
- WHEREAS, the City of Bloomington does not desire to enter into an agreement with the Bloomington Housing Authority for payments in lieu of taxes;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The Bloomington Housing Authority has in the past and currently provides services to its residents and property, including but not limited to sanitation and security services, which, if not so provided, would be provided by the City of Bloomington at additional expense to the City of Bloomington.

SECTION II. In consideration for the provision of said services by the Bloomington Housing Authority, the City of Bloomington hereby waives its right to any and all payments in lieu of taxes for the year 2003.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

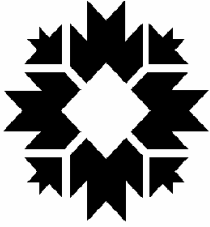
**SYNOPSIS**

This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2003.

**To: Common Council**  
**From: Peggy Gudal, Director of Bloomington Housing Authority**  
**Re: Resolution 03-23 - Waiver of P.I.L.O.T. for 2003**  
**Date: July 8, 2003**

**P.I.L.O.T.**

P.I.L.O.T. Stands for “Payment in Lieu of Taxes”. The Bloomington Housing Authority does not use city trash service. The request is a forgiveness of the P.I.L.O.T. because the Housing Authority does not use city trash services. In 2002 we asked for \$5,000.00 to be forgiven. This has been the amount the last several years. In 2003, we are asking the amount \$5,000.00 be forgiven.



**CITY OF BLOOMINGTON  
MEMORANDUM**

**TO: Members of the Common Council**

**FROM: Vickie Renfrow, Assistant City Attorney, Legal Department**

**RE: Resolutions 03-18 and 03-19**

**DATE: July 18, 2003**

As you know, in 1999 the City of Bloomington entered into a Performance Contracting Agreement with Energy Systems Group to obtain services and capital improvements which would produce energy savings to the City. ESG performed work for the Public Works Department, the Parks and Recreation Department and the Utilities Department, with a total cost for these improvements of \$1,296,566. This cost was to be paid by these City Departments over a ten year period, and the contract documents included an Installment Payment Contract setting out the terms for these payments, including an interest rate of 5.55%. That document also gave ESG the right to assign that obligation, and upon completion of the work the Installment Payment Contract was assigned to Fifth Third Leasing Company and payments have been made to them. In 2001 the City entered into a second agreement for additional work for the Parks and Recreation Department at the Frank Southern Center, and that agreement also contained an Installment Payment Contract for payment of the \$250,463 in improvements over a 10 year period with an interest rate of 5.3%. That Installment Payment Contract was assigned to Fifth Third Bank upon completion of the project and payments have been made accordingly.

In conjunction with discussion of the new Performance Contracting Agreement which the Utilities Department wishes to pursue, the City has been advised that it can refinance the remaining principal amounts on the 1999 and 2001 projects at the lower interest rate which we can now obtain for the new project, that rate being 3.9%, thereby saving approximately \$40,000 over the remaining terms of the 1999 and 2001 contract obligations. There is no cost to the City to obtain this rate reduction, and the Resolutions which you are asked to approve will not affect the terms of the agreements entered into 1999 and 2001 in any other way.

Please feel free to contact me if you have any questions regarding this refinancing process.

## RESOLUTION 03-18

### TO AUTHORIZE AN AMENDED AND RESTATED INSTALLMENT PAYMENT CONTRACT, DATED AS OF JULY, 2003, BY AND BETWEEN THE CITY OF BLOOMINGTON AND FIFTH THIRD LEASING COMPANY TO AMEND AND RESTATE ITS \$1,296,566 INSTALLMENT PAYMENT CONTRACT DATED AS OF AUGUST 4, 1999, AS SUPPLEMENTED, AND AUTHORIZING OTHER ACTIONS, INCLUDING WITHOUT LIMITATION, EXECUTION OF IRS FORM 8038-G AND RELATED TAX CERTIFICATES OR DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH LEASE OBLIGATIONS

- WHEREAS,** the City of Bloomington, Indiana (the “City”) by virtue of the laws of the State of Indiana, and through the guidance of the Internal Revenue Code of 1986, as amended, is authorized and empowered among other things (a) to enter into the Amended and Restated Installment Payment Contract, dated as of July \_\_\_\_, 2003 (the “Amended and Restated Contract”), with Fifth Third Leasing Company (“Fifth Third”), and the City, which amends and restates the Installment Payment Contract, dated as of August 4, 1999, as supplemented (the “Prior Agreement”), with the Fifth Third and the City, (b) to provide moneys for its Installment Payment Contract obligations (the “Contract Obligations”) for the purpose of currently refunding the outstanding principal amount of its previously issued \$1,296,566 in principal amount of obligations pursuant to the Prior Agreement and (c) to enact this Legislation and execute and deliver the agreements and instruments hereinafter identified; and,
- WHEREAS,** the City issued the Prior Obligations in order to finance the acquisition of energy savings infrastructure improvements for the Departments of Public Works, Parks & Recreation and Utilities (the “Project”) authorized with the adoption of Common Council Resolution 99-24; and,
- WHEREAS,** the City seeks to change the existing interest rate mode on the Prior Obligations to a different interest rate mode, in order to effectuate cost savings, reducing the rate from 5.55% to 3.90%; and
- WHEREAS,** such a change in the interest rate mode creates a reissuance and current refunding under the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder; and,
- WHEREAS,** the Common Council of the City of Bloomington (the “Legislative Authority”) has determined and does hereby confirm that the reissuance and refunding of the Prior Obligations, will be in the best interest of the City;

### NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

**SECTION 1.** Pursuant to the laws of the State of Indiana and under the guidance of the Internal Revenue Code of 1986, as amended, Section 103, Sections 141 – 150, Section 1001 and Treasury Regulation Section 1.1001-3 (collectively, the "Internal Revenue Code Provisions"), this Legislative Authority hereby finds and determines that the reissuance and refunding of the Prior Obligations is consistent with the requisite provisions of Indiana municipal law and the Internal Revenue Code Provisions.

**SECTION 2.** The City has been advised that as a result of a change in the interest rate mode, the Contract Obligations are treated as currently refunding the Prior Obligations for tax purposes. The Prior Obligations are considered reissued in the form of the Contract Obligations in a principal amount that reflects any principal payments made between the date of issuance of the Prior Obligations and the date of issuance of the Contract Obligations. It is hereby determined to be necessary to, and the City shall consider the Prior Obligations reissued for tax purposes, thereby currently refunding the Prior Obligations with the Contract Obligations for tax purposes in accordance with the Internal Revenue Code Provisions. In connection with the current refunding, this Legislative Authority hereby determines that it is appropriate for the City to execute and deliver (i) the Amended and Restated Contract, (ii) Internal Revenue Service Form

8038-G, (iii) tax certificates or documents, and any other certificates or documents required to accomplish the current refunding.

**SECTION 3.** That this Council hereby authorizes and directs the Mayor, Controller, and City Clerk, to execute and deliver the Amended and Restated Contract, IRS Form 8038-G, tax certificate or document, and such other documents and certificates and to do all the acts and things required of it by the provisions of the Amended and Restated Contract to the end that full and complete performance of all of the terms, covenants and provisions of the Amended and Restated Contract shall be effected (the “Closing Documents”).

**SECTION 4.** That the Closing Documents authorized by this Resolution shall be subject to such changes, insertions and omissions as are not adverse to the City, and approval of any changes, insertions and omissions shall be conclusively evidenced by the execution of said documents by the Mayor, Controller and City Clerk.

**SECTION 5.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including open meetings laws, and the rules of this Council adopted in accordance therewith.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution authorizes the City to enter into an Amended and Restated Installment Payment Contract for payment of the principal balance for the energy savings project completed pursuant to a Performance Contracting Agreement, which was authorized by the Common Council with the adoption of Resolution 99-24, in order to reduce the rate of interest paid on the obligation. It further authorizes the Mayor, Controller and City Clerk to execute documents on behalf of the City to effect this interest rate reduction.

## RESOLUTION 03-19

### **TO AUTHORIZE AN AMENDED AND RESTATED INSTALLMENT PAYMENT CONTRACT, DATED AS OF JULY, 2003, BY AND BETWEEN THE CITY OF BLOOMINGTON AND FIFTH THIRD BANK TO AMEND AND RESTATE ITS \$250,463 INSTALLMENT PAYMENT CONTRACT DATED AS OF APRIL 4, 2001, AS SUPPLEMENTED, AND AUTHORIZING OTHER ACTIONS, INCLUDING WITHOUT LIMITATION, EXECUTION OF IRS FORM 8038-G AND RELATED TAX CERTIFICATES OR DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH LEASE OBLIGATIONS**

- WHEREAS,** the City of Bloomington, Indiana (the “City”) by virtue of the laws of the State of Indiana, and through the guidance of the Internal Revenue Code of 1986, as amended, is authorized and empowered among other things (a) to enter into the Amended and Restated Installment Payment Contract, dated as of July \_\_\_\_, 2003 (the “Amended and Restated Contract”), with Fifth Third Bank (“Fifth Third”), and the City, which amends and restates the Installment Payment Contract, dated as of April 4, 2001, as supplemented (the “Prior Agreement”), with the Fifth Third and the City, (b) to provide moneys for its Installment Payment Contract obligations (the “Contract Obligations”) for the purpose of currently refunding the outstanding principal amount of its previously issued \$250,463 in principal amount of obligations pursuant to the Prior Agreement and (c) to enact this Legislation and execute and deliver the agreements and instruments hereinafter identified; and,
- WHEREAS,** the City issued the Prior Obligations in order to finance the acquisition of energy savings infrastructure improvements for the Department of Parks & Recreation (the “Project”) authorized with the adoption of Common Council Resolution 01-04; and,
- WHEREAS,** the City seeks to change the existing interest rate mode on the Prior Obligations to a different interest rate mode, in order to effectuate cost savings, reducing the rate from 5.30% to 3.90%; and,
- WHEREAS,** such a change in the interest rate mode creates a reissuance and current refunding under the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder; and,
- WHEREAS,** the Common Council of the City of Bloomington (the “Legislative Authority”) has determined and does hereby confirm that the reissuance and refunding of the Prior Obligations, will be in the best interest of the City;

### **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:**

**SECTION 1.** Pursuant to the laws of the State of Indiana and under the guidance of the Internal Revenue Code of 1986, as amended, Section 103, Sections 141 – 150, Section 1001 and Treasury Regulation Section 1.1001-3 (collectively, the "Internal Revenue Code Provisions"), this Legislative Authority hereby finds and determines that the reissuance and refunding of the Prior Obligations is consistent with the requisite provisions of Indiana municipal law and the Internal Revenue Code Provisions.

**SECTION 2.** The City has been advised that as a result of a change in the interest rate mode, the Contract Obligations are treated as currently refunding the Prior Obligations for tax purposes. The Prior Obligations are considered reissued in the form of the Contract Obligations in a principal amount that reflects any principal payments made between the date of issuance of the Prior Obligations and the date of issuance of the Contract Obligations. It is hereby determined to be necessary to, and the City shall consider the Prior Obligations reissued for tax purposes, thereby currently refunding the Prior Obligations with the Contract Obligations for tax purposes in accordance with the Internal Revenue Code Provisions. In connection with the current refunding, this Legislative Authority hereby determines that it is appropriate for the City to execute and deliver (i) the Amended and Restated Contract, (ii) Internal Revenue Service Form 8038-G, (iii) tax certificates or documents, and any other certificates or documents required to accomplish the current refunding.

**SECTION 3.** That this Council hereby authorizes and directs the Mayor, Controller, and City Clerk, to execute and deliver the Amended and Restated Contract, IRS Form 8038-G, tax certificate or document, and such other documents and certificates and to do all the acts and things required of it by the provisions of the Amended and Restated Contract to the end that full and complete performance of all of the terms, covenants and provisions of the Amended and Restated Contract shall be effected (the “Closing Documents”).

**SECTION 4.** That the Closing Documents authorized by this Resolution shall be subject to such changes, insertions and omissions as are not adverse to the City, and approval of any changes, insertions and omissions shall be conclusively evidenced by the execution of said documents by the Mayor, Controller and City Clerk.

**SECTION 5.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including open meetings laws, and the rules of this Council adopted in accordance therewith.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution authorizes the City to enter into an Amended and Restated Installment Payment Contract for payment of the principal balance for the energy savings project completed pursuant to a Performance Contracting Agreement, which was authorized by the Common Council with the adoption of Resolution 01-04, in order to reduce the rate of interest paid on the obligation. It further authorizes the Mayor, Controller and City Clerk to execute documents on behalf of the City to effect this interest rate reduction.

## ORDINANCE 03-17

### TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" (Affecting Class D Parking Fines, Display of Parking Permits, Appeals, and Other Miscellaneous Regulations)

WHEREAS, the City funds the operating and capital costs of its parking operations through a combination of revenues from fees and fines; and,

WHEREAS, those operational costs and those capital needs are increasing; and,

WHEREAS, the likelihood of collecting fine revenue is increased when fines are paid on time; and,

WHEREAS, it is necessary from time to time to revise and update portions of the Bloomington Municipal Code to correspond with current practice;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 15.38.010 of the Bloomington Municipal Code entitled "Eligibility" shall be amended by deleting the phrase "or blue" and changing the word "zones" to "zone" in the last sentence of the first paragraph so that the sentence now reads:

These parking privileges, however, do not extend to the white employee permit zone described below.

SECTION 2. Section 15.38.010 of Bloomington Municipal Code entitled "Eligibility" shall be further amended by deleting the last sentence of the third (and last) paragraph so that the paragraph now reads:

Any person employed as an official of Monroe County, or by any agency, department or office thereof; whose usual place of employment is the justice facility or the Monroe County health department building who owns a vehicle, may apply to the city parking enforcement division for a blue public employee parking permit.

SECTION 3. Section 15.38.030 of the Bloomington Municipal Code, entitled "Display of permits." shall be deleted and replaced with the following:

Section 15.38.030 Display of permits.

No person shall park on the streets, parts of the streets or the parts of Municipal Lots 11, 14 and 16 designated as municipal employee parking zones without the proper municipal employee parking permit displayed as directed by the Department of Public Works.

SECTION 4. Section 15.40.010 of the Bloomington Municipal, regarding locations of parking lots and garages, shall be amended by deleting parts (4) (*referring to Lot 4*) and (8) (*referring to Lot 8*) and renumbering the remaining parts sequentially.

SECTION 5. Provision 15.40.030(c) of the Bloomington Municipal Code, regarding parking permits, shall be amended by deleting the second sentence and replacing it with:

The method by which a vehicle shall indicate possession of a reserved or nonreserved lease (e.g. hang-tags, permits, decals) shall be in accordance with the direction of the Department of Public Works.

SECTION 6. Provision 15.40.050(b) of the Bloomington Municipal Code, regarding parking violations in City metered spaces, lots, and garages, shall be amended by deleting and replacing it with the following:

(b) No person shall park in a leased stall in any City garage or lot without a valid lease for that space. The vehicle shall indicate possession of such a lease in a manner directed by the Department of Public Works.

SECTION 7. Provision 15.40.050 (c) of the Bloomington Municipal Code, regarding parking violations in City metered spaces, lots, and garages, shall be amended by deleting and replacing it with the following:

(c) No person shall park in any City garage or lot in an area designated for nonreserved leases without a valid lease for such spaces as described in this Chapter. The vehicle shall indicate possession of such a lease in a manner directed by the Department of Public Works.

SECTION 8. The Section 15.40.050 of the Bloomington Municipal Code shall be further amended by deleting subsection (g) and relettering subsections (d), (e) and (f) as (e), (f) and (g) respectively.

SECTION 9. Section 15.40.050 of the Bloomington Municipal Code shall be further amended by inserting a new subsection (d) which shall read as follows:

(d) No person shall park in any of the lots or garages described in 15.40.010 of this Chapter unless permitted and authorized as described by the provisions of this Chapter or by the Department of Public Works.

SECTION 10. Section 15.40.050 of the Bloomington Municipal Code shall be further amended by inserting a new subsection (h) which shall read as follows:

(h) No person shall park a vehicle in any lot or garage described in 15.40.010 unless the vehicle indicates permission or authorization to park in that lot or garage in a manner directed by the Department of Public Works.

SECTION 11. Provision 15.64.010(d) of the Bloomington Municipal Code, regarding Class D traffic violations, shall be amended by deleting the amount “\$12.00” and replacing it with the amount “\$15.00” and deleting the amount “\$17.00” and replacing it with the amount “\$30.00” as these amounts appear in the second line so that the line now reads:

Fine:                \$15.00                \$30.00 (depending upon when paid)

SECTION 12. The reference to 15.40.050 in provision 15.64.010(d) of the Bloomington Municipal Code, regarding Class D traffic violations, shall be amended by adding (g) and (h) to the cited subsections and adding “and unauthorized parking in a municipal lot or garage” to the corresponding text so that the reference now reads:

15.40.050 (a), (c),        Backing in and overtime parking in city lots and garages;  
(d), (e), (f), (g), (h)    defacing parking meters, depositing slugs in meters, and  
   unauthorized parking in a municipal lot or garage.

SECTION 13. Provision 15.64.010(d)(1) of the Bloomington Municipal Code, regarding Class D traffic violations, shall be amended by deleting the word “twelve” and replacing it with the word “fifteen” in the first sentence and by deleting the word “seventeen” and replacing it with the word “thirty” in the second sentence so that the provision now reads:

(1)        The fine for Class D Traffic Violations shall be fifteen dollars, if paid within seven calendar days. The fine shall automatically increase to thirty dollars if not paid within seven calendar days.

SECTION 14. Subsection 15.64.010(d) (2) of the Bloomington Municipal Code, regarding appeals, shall be amended in the following manner:

(a)        The second sentence shall be deleted and replaced with the following:

The city clerk or designee shall hear all of appeals of Class D traffic violations and violations of the Neighborhood Residential Permit Parking Program (Section 15.37.150).

(b)        The fourth sentence shall be amended by replacing the phrase "twelve p.m." with the phrase "four p.m." so that the sentence now reads:

The informal hearings shall be conducted between the hours of nine a.m. and four p.m. in the office of city clerk on all days except Saturdays, Sundays, and city holidays.

SECTION 15. Subsection 15.64.010 (g) of the Bloomington Municipal Code, regarding Class F traffic violations, shall be amended by inserting the following citation to the list of covered violations in numerical order:

15.37.150      Permit displayed on an ineligible motor vehicle (plate non-match)

SECTION 16. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 17. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

SYNOPSIS

This ordinance raises the fine for Class D Traffic Violations from \$12.00 to \$15.00 if paid within seven calendar days and from \$17.00 to \$30.00 if not paid within seven calendar days. The ordinance also reflects existing practice by expanding the scope of appeals heard by the Clerk's Office to include not only Class D Traffic Violations, but also violations of the Residential Neighborhood Parking Permit program. The hours for hearing those appeals are expanded so that they begin at 9:00 a.m. and end at 4:00 p.m. The ordinance also gives the Board of Public Works the responsibility for determining where parking permits must be displayed on motor vehicles, rather than have this matter otherwise specified in the code, and makes other "house-keeping" changes to the code.

Ord 03-17

Amending Title 15

"Vehicles and Traffic"

Fines, Appeals, Display of  
Permits, and Other  
Miscellaneous Matters

Additional Information

Memo from James  
McNamara, Deputy Mayor  
Forthcoming

PUBLIC EMPLOYEE PARKING PERMITS

**Sections:**

15.38.010	Eligibility.
15.38.020	Application and issuance of permit.
15.38.030	Display of permits.
15.38.040	Expiration of permits.
15.38.050	Violation and penalty.

15.38.010 Eligibility.

Any person employed as an official of the city, or by an agency, department or office thereof; excluding officials and employees of the police department, who owns a vehicle may apply to the city parking enforcement division for a green public employee parking permit. The green parking permit grants parking privileges for areas on the streets that are designated as public employee parking zones by Section 15.32.185, or in Municipal Lot Numbers 11 and 14. These parking privileges, however, do not extend to the white ~~or blue~~ employee permit zones described below.

**Comment:** Ord 03-17 Section 1

Any person employed by or as an official of the Bloomington police department who owns a vehicle may apply to the city parking enforcement division for a white public employee parking permit. The white parking permit grants parking privileges only in Municipal Lot Number 16.

Any person employed as an official of Monroe County, or by any agency, department or office thereof; whose usual place of employment is the justice facility or the Monroe County health department building who owns a vehicle, may apply to the city parking enforcement division for a blue public employee parking permit. ~~The blue permit grants parking privileges on the streets designated as a blue permit zone by Section 15.32.185.~~ (Ord. 98-52 § 7, 1998; Ord. 96-29 § 16, 1996; Ord. 92-47 § 14, 1992).

**Comment:** Ord 03-17 Section 2

15.38.020 Application and issuance of permit.

The application form shall contain the name of the employee governmental entity and department, and office telephone number of the employee applying for the permit, and shall be submitted to the city parking enforcement division, which shall issue a permit. (Ord. 92-26 § 10, 1992).

15.38.030 Display of permits.

No person shall park on the streets, parts of streets, or the part of Municipal Lots 11, 14 and 16 designated as ~~public~~ **municipal** employee parking zones without the proper ~~public~~ **municipal** employee parking permit sticker displayed ~~in the lower right hand corner of the rear window of the vehicle or in such other location designated by the city parking enforcement division as directed by by the~~ **Department of Public Works.** (Ord. 98-52 § 8, 1998; Ord. 96-29 § 17, 1996; Ord. 92-26 § 11, 1992).

**Comment:** Ord 03-17 Section 3

15.38.040 Expiration of permits.

All permits expire on December 31st of the year of issuance, or upon termination of employment, whichever comes first. (Ord. 85-28 § 7 (part), 1985).

15.38.050 Violation and penalty.

Any violations of this chapter constitute a Class D Traffic Violation and are subject to the fines listed in Section 15.64.010(d). (Ord. 90-37 § 5, 1990; Ord. 85-28 § 7 (part), 1985).

MUNICIPAL PARKING LOTS AND GARAGES

**Sections:**

15.40.010	Locations.
15.40.020	Applicable times and charges.
15.40.030	Parking permits.
15.40.040	Parking lots leased by city.
15.40.050	Violations.
15.40.060	Violation and penalty.

15.40.010 Locations.

The following off-street parking lots known as municipal parking lots and garages are located and identified as follows:

- (1) Lot 1: located at the northwest corner of Fourth and Dunn Streets.
- (2) Lot 2: located at the northeast corner of Seventh and Walnut Streets.
- (3) Lot 3: located at the northwest corner of Fourth and Washington Streets.
- ~~(4)~~ Lot 4: located at Fourth and Morton Streets on Lots 83 and 84 of the city, and containing

~~not more than thirty two parking meters.~~

**Comment:** Ord 03-17 Section 4

- ~~(5)~~(4) Lot 5: located at Sixth and Lincoln Streets on Lots 185 and 186 of the city.

~~(6)~~(5) Lot 6: located at the 200 block of East Third Street on part of fractional out-lot 20, and containing not less than twelve parking meters.

~~(7)~~(6) Lot 7: Regester Center Parking Facility: located at the northwest corner of the square bounded on the east by College Avenue, on the north by Seventh Street, on the west by Morton Street and on the south by Sixth Street on in-lots 265 and 266 of the city.

- ~~(8)~~ Lot 8: located at the northeast corner of Sixth and Morton Streets.

**Comment:** Ord 03-17 Section 4

~~(9)~~(7) Lot 9: Walnut Street Parking Garage: located at the southwest corner of Walnut and Fourth Streets, on lots 34, 35, 36 and the north one-half of lot 33 in the original plat of the city.

~~(10)~~(8) Lot 10: located at the northeast corner of Third Street and College Avenue, also known as the Convention Center Parking Lot.

- ~~(11)~~(9) Lot 11: located at the southwest corner of Eighth Street and Morton Street.

- ~~(12)~~(10) Lot 12: Located at the northeast side of the Showers Complex, 401 North Morton Street.

~~(13)~~(11) Lot 13: Located at the south portion of the west side of the Showers Complex, 401 North Morton Street.

~~(14)~~(12) Lot 14: Located at the north portion of the west side of the Showers Complex, 401 North Morton Street.

~~(15)~~(13) Lot 15: Located at the east portion of the south side of the city of Bloomington Police Headquarters, 220 East Third Street.

~~(16)~~(14) Lot 16: Located at the west portion of the south side of the city of Bloomington Police Headquarters, 220 East Third Street. (Ord.98-52 § 9, 1998; Ord. 96-29 §§ 18, 19, 1996; Ord. 93-73 § 1, 1993; Ord. 91-50 §§ 1, 2, 1991; Ord. 91-12 § 17, 1991; Ord. 86-51 §§ 1, 5, 1986; Ord. 82-1 § 1 (part), 1982).

15.40.020 Applicable times and charges.

(a) The charge for the use of all municipal lots shall be as set forth below in Schedule U. The charges shall be collected by parking meters at all municipal lots, with the exception of the Walnut Street Parking Garage, where charges shall be collected by parking meters or attendants. The time charges stated on Schedule U shall be in effect between the hours of eight a.m and five p.m., every day except Saturdays, Sundays and city holidays, for all municipal lots with the exception of Municipal Lot 7, where the applicable time charges shall be in effect between the hours of seven a.m. and seven p.m., every day except Saturdays, Sundays and city holidays.

(b) No vehicle shall park in a metered space in Lot 6 for more than one hour in any day when parking meters are in operation.

(c) Any vehicle exiting the Walnut Street Parking Garage without a parking receipt issued upon entrance shall be required to pay a lost receipt fee of two dollars and fifty cents per day.

(d) The board of public works is authorized to alter or modify the hourly charge or method of payment for parking in any and/or all municipal parking lots and garages in conjunction with special events and/or promotional activities

#### 15.40.030 Parking permits.

The city may issue the parking permits described in the following paragraphs.

(a) The city may issue annual reserved parking leases. The annual reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. There shall be two rates for the leases. One rate shall be for leases in effect Monday through Friday between the hours of six a.m. and seven p.m. (13/5) and the other rate shall be for leases in effect Sunday through Saturday, twenty-four hours per day (24/7). Reserved leases sold in a municipal lot or garage for downtown residential purposes must be 24/7 leases if available. The charges for such annual parking leases shall be as designated in Schedule V.

**Comment:** Paragraph added by Ord 02-39 Section 5

Unlimited duplicate lease permits shall be available to lease holders at a charge of five dollars (\$5.00) per lease; each duplicate permit shall allow the lease holder to park an additional designated vehicle in the original lease holder's designated space only. No original or duplicate permit-bearing vehicle may park in any other space or in any other lot, without proper permit or payment of the applicable fee for such space and/or lot. Only vehicles displaying a lease permit or duplicate lease permit for that parking space may park in a leased space. Violators shall be ticketed and may be towed.

The board of public works shall determine the location of annual leased parking spaces.

(b) The city may issue annual nonreserved parking leases. The annual nonreserved parking lease grants parking privileges within a designated and signed area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces. A nonreserved lease does not grant parking privileges for a particular parking space. Those with nonreserved leases may park in any spot within the designated nonreserved lease area.

**Comment:** Paragraph added by Ord 02-39 Section 6

(c) All leases, reserved and nonreserved, issued in a given year shall expire at midnight on the December 31<sup>st</sup> of that year. The method by which a vehicle shall indicate possession of a reserved or nonreserved lease (e.g. hang-tags, permits, decals) shall be ~~in accordance to the provisions of Section 15.40.050(e).~~ **shall be in accordance with the direction of the Department of Public Works.**

**Comment:** Ord 03-17 Section 5

(d) The full charge for an annual reserved parking leases shall be paid in advance. Leases purchased in the January of a given year shall pay the full annual charge. After January 31 the charge for annual reserved parking leases shall be prorated to be proportional to time remaining in the calendar year.

For the year 2003, payments may be made in quarterly installments for an annual nonreserved lease. The amount to be paid for each quarterly payment shall be the annual charge as specified in Schedule V divided by four, plus a fee equal to 5% of that amount. Those quarterly payments shall be due in the office of the Parking Enforcement Divisions on January 15, 2003, April 1, 2003, July 1, 2003 and October 1, 2003. Any lease that begins in January of 2003 shall be charged the full quarterly amount for the first quarter. Leases beginning on or after February 1 shall have the first installment payment prorated proportional to the time remaining in that given calendar quarter.

Should payment not be made by the specified due date, the lease is considered broken and void and the lease may be resold at the discretion of the director of the Parking Enforcement Division.

Beginning with leases for the year 2004, the full charge for an annual nonreserved parking lease shall be paid in advance. Leases purchased in the January of a given year shall pay the full annual charge. After January 31 the charge for annual nonreserved parking leases shall be prorated to be proportional to time remaining in the calendar year.

**Comment:** Part (d) replaced by Section 8 of Ord 02-39.

15.40.050 Violations.

(a) No person shall permit a vehicle to remain in a metered parking space after the time limit shown upon the meter for such space has elapsed or after any restriction on the length of time a vehicle may park in a particular parking lot has elapsed.

(b) ~~No person shall park in a leased stall in the Regester Center Parking Garage, or Lots 3, 2, 4 or 5, without a Class A, M, A 3, A 2, A 4, or A 5 permit sticker displayed in the lower right hand corner of the rear window of the vehicle, or in such other location designated by the parking enforcement division.~~

**(b) No person shall park in a leased stall in any City garage or lot without a valid lease for that space. The vehicle shall indicate possession of such a lease in a manner directed by the Department of Public Works**

**Comment:** *Ord 03-17 Section 6*

~~(c) No person shall park in Lot 12 without a Lot 12 permit sticker displayed in the lower right hand corner of the rear window of the vehicle, or in other such location designated by the parking enforcement division, unless the vehicle is parked in a designated visitor space. No person shall park in Lot 13 without a Lot 13 permit sticker displayed in the lower right hand corner of the rear window of the vehicle, or in other such location designated by the parking enforcement division, unless the vehicle is parked in a designated visitor space.~~

**(c) No person shall park in any City garage or lot in an area designated for nonreserved leases without a valid lease for such spaces as described in this Chapter. The vehicle shall indicate possession of such a lease in a manner directed by the Department of Public Works.**

**Comment:** *Ord 03-17 Section 7*

**(d) No person shall park in any of the lots or garages described in 15.40.010 of this chapter unless permitted and authorized as described by the provisions of this Chapter or by the Department of Public Works.**

**Comment:** *Ord 03-17 Section 9*

~~(e) No person shall permit a vehicle to remain parked in a backed position in a parking space in any municipal parking lot.~~

~~(f) No person shall deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.~~

~~(g) No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substance or any other substitute for any coin of the United States.~~

~~(g) A parking permit shall be valid only if it is displayed in the lower right hand corner of the rear window of the vehicle, or in such other location designated by the parking enforcement division. (Ord. 96-29 §§ 22-24, 1996; Ord. 86-51 § 5, 1986; Ord. 86-2 § 2, 1986; Ord. 85-28 § 4, 1985; Ord. 84-5 § 5, 1984; Ord. 82-1 § 1 (part), 1982)~~

**Comment:** *Ord 03-17 Section 8 re-lettered (d), (e), & (f), and deleted (g).*

**(h) No person shall park a vehicle in any lot or garage as described in 15.40.010 unless the vehicle indicates permission or authorization to park in that lot or garage in a manner directed by Department of Public Works.**

**Comment:** *Ord 03-17 Section 10*

Please Note: Portions of BMC Title 15.40, not pertinent to Ordinance 03-17, have been omitted from this document

TRAFFIC VIOLATION SCHEDULE

**Sections:**

15.64.010 Violations and penalties.

15.64.010 Violations and penalties.

The penalties for the classes of traffic violations referred to in this title are as follows:

(a) Class A Traffic Violations (Speeding)

Fine: 1-15 mph over speed limit: court costs plus \$10 fine;  
16-20 mph: court costs plus \$19 fine;  
21-25 mph: court costs plus \$34 fine;  
26 mph and over: court costs plus \$59 fine.

Covers: 15.24.020 Violating city speed limits  
15.24.030 School speed zones  
15.24.040 Park and playground speed zones

(b) Class B Traffic Violations (Miscellaneous)

Fine: \$100

Covers: 15.32.160(d) Failure to erect fire lane signs  
15.56.070 Failure of bike rental to license, indemnify  
15.56.100(d) Failure of bike rental to assure possession of  
helmet by person under the age of eighteen

(c) Class C Traffic Violations (Potentially dangerous violations)

Fine: \$50

Covers: 15.12.010 Running stop sign  
15.12.020 Running yield sign  
15.12.030 Running traffic light  
  
15.16.010 Wrong way on one-way  
& 15.16.020 street or alley  
15.20.020 Violating restricted turn on red  
15.28.020 Failure to follow established truck route  
& 15.28.030  
15.32.050 Parking in violation of snow removal ordinance  
15.32.060 Parking equipment/machinery in street  
15.32.070 Parking large vehicles beyond 2 hours  
15.32.150 Accessible parking for person with physical disabilities  
15.32.160 Emergency vehicle lanes  
15.34.040 Parking illegally in an accessible parking space for  
persons with disabilities  
15.56.020 Riding certain bicycles on sidewalk; Failure to yield  
15.60.010 Soliciting in roadway  
15.60.020 Driving illegally in park  
15.60.040 Driving on sidewalk

(d) Class D Traffic Violations (most parking violations)

Fine:	<del>\$12.00</del> , <b>\$15.00</b> <del>\$17.00</del> <b>\$30.00</b> (depending on when paid)
Covers:	15.32.010 Parking adjacent to yellow curb
	15.32.020 Parking in alley beyond limit
	15.32.030 Violating angle parking
	15.32.040 Parking car in street for washing, repairing
	15.32.080 Parking in no parking zone
	15.32.090 Parking beyond time limit
	15.32.100 Parking beyond loading zone limit
	15.32.110 Parking in bus zone
	15.32.120 Parking in official vehicle zone
	15.32.130 Parking near intersections
	15.32.140 Obstructing traffic
	15.32.170 Parking in Municipal Lot # 11 during farmer's market
	15.32.180 Parking facing traffic
	15.36.100 Parking in resident-only space
	15.37.150 Parking in residential permit area
	15.38.060 Public employee parking
	15.40.050(a), Backing in and overtime parking in city lots and garages
	(c), (d), (e), (f) ; defacing parking meters, depositing slugs in meters,
	<b>(g), (h) and unauthorized parking in a municipal lot or garage</b>
	15.60.040 Parking on sidewalk

Comment: Ord 03-17 Section 11

Comment: Ord 03-17 Section 12

(1) The fine for Class D Traffic Violations shall be ~~twelve~~ **fifteen** dollars, if paid within seven calendar days. The fine shall automatically increase to ~~seventeen~~ **thirty** dollars if not paid within seven calendar days.

Comment: Ord 03-17 Section 13

(2) Provided, however, that a person may appeal the issuance of the traffic violation citation by appearing in person in one of two departments of the city, located at 401 North Morton Street, within seven days immediately following the issuance of the traffic violation citation and during the hours specified below. The city clerk or designee shall hear all appeals of Class D traffic violations **and violations of the Neighborhood Residential Permit Parking Program (Section 15.37.150)**, ~~except those under Section 15.37.150 (Parking in a residential permit area), which shall be heard by the director of the parking enforcement division or designee.~~ The city clerk or designee shall conduct informal hearings, which may be reconvened from time to time. The informal hearings shall be conducted between the hours of nine a.m. and ~~twelve~~ **4:00** p.m. in the office of city clerk on all days except Saturdays, Sundays, and city holidays. The director of parking enforcement or designee shall receive a written appeal in the parking enforcement office during normal business hours on all days except Saturday, Sunday, and city holidays. These officers and designees shall have the authority to declare the citation null and void or valid. If the citation is declared to be null and void, then the citation shall be dismissed from further prosecution; and, if the citation is declared valid, then the citation shall be due and payable as determined by the officer or designee. The decision of the officer or designee is final, subject to judicial determination during prosecution.

Comment: Ord 03-17 Section 14

(3) For purposes of this section, an individual may challenge the traffic violation section, provided that she/he is the registered owner of the vehicle or his/her attorney, and/or was responsible for the vehicle at the time of issuance of the citation, or his/her attorney.

(e) Class E Traffic Violations (Miscellaneous minor offenses)

Fine: \$3

Covers: 15.06.025 Coasters, skateboards and roller skates  
15.56.030 Unregistered bikes  
15.56.060 Removing license decal from bicycle  
15.56.090 Bike path violations  
15.60.050 Jaywalking

(f) Class C Infraction under State Law

15.32.150 Illegal parking in space reserved for handicapped

(g) Class F Traffic Violation (Parking in leased stalls without a permit)

Fine: \$20.00

Covers: 15.37.150 Permit displayed on an ineligible motor vehicle (plate non-match)

Comment: Ord 03-17 Section 15

15.40.050(b) Parking in leased stalls without a permit.  
15.56.100(a) Failure to wear protective bicycle helmet by person under the age of eighteen  
15.56.100(b) Improper seating on bicycle by person under the age of eighteen  
15.56.100(c) Permitting child under the age of eighteen to violate 15.56.100(a) or (b)

(h) Class G Traffic Violations (Bicycle safety violations)

Fine: \$10.00

Covers: 15.56.100(a), Bicycle helmet and  
(b), and (c) restraining seat use

Please Note: Portions of BMC Title 15.64, not pertinent to Ordinance 03-17, have been omitted from this document

**ORDINANCE 03-18**

**TO AMEND CHAPTER 15.26 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “NEIGHBORHOOD TRAFFIC SAFETY PROGRAM”  
(Amending Schedule J-1 in Order to Identify Traffic Calming Devices to be Installed on  
West Third Street Between Maple Street and Walker Street)**

- WHEREAS, Indiana Code 9-21-4-3 authorizes cities to install traffic calming devices on public streets as long as their design and use conform to generally accepted engineering principles of road design; and
- WHEREAS, Ordinance 99-16 established the Neighborhood Traffic Safety Program (NTSP) and set forth Schedule J-1, which identifies the type and location of traffic calming devices within the City; and
- WHEREAS, the Prospect Hill Neighborhood Association has petitioned the City for the installation of traffic calming devices on portions of West Third Street pursuant to the NTSP guidelines and procedures; and
- WHEREAS, in accordance with the NTSP guidelines and procedures, a proposal favored by the directly affected households and Bicycle and Pedestrian Safety Commission has come forward which recommends the installation of a series of nine street narrowing curb bump outs along West Third Street from Maple Street to Walker Street; and
- WHEREAS, in concert with this proposal the Council adopted Ordinance 03-12, which restricted parking to alternate sides of this portion of West Third Street;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The Common Council hereby amends Chapter 15.26 of the Bloomington municipal code entitled “Neighborhood Traffic Safety Program” to reflect the addition of traffic calming on West Third Street through the usage of curb bump outs and street narrowing.

SECTION II. The Common Council hereby approves the installation of certain traffic calming devices and amends Schedule J-1 (Traffic Calming Locations) of Chapter 15.26 (Neighborhood Traffic Safety Program) to include the following type of traffic calming devices at the following location, which shall be inserted in alphabetical order in said Schedule:

**SCHEDULE J-1  
TRAFFIC CALMING LOCATIONS**

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Type of Devices</b>
West Third Street	Maple Street	Walker Street	Street Narrowing Bump Outs

SECTION III. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

SYNOPSIS

This ordinance approves the permanent installation of a series of traffic calming devices (street narrowing) along West Third Street from Maple Street to Walker Street. It also amends Schedule J-1 of the Chapter 15.26 of the Bloomington Municipal Code to list the type and location of these devices.

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**INTEROFFICE MEMORANDUM**

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**TO:** COMMON COUNCIL MEMBERS  
**FROM:** JUSTIN D. WYKOFF, MANAGER OF ENGINEERING SERVICES  
**SUBJECT:** PROSPECT HILL (WEST THIRD STREET) NTSP UPDATE  
**DATE:** 7/11/03  
**CC:** CORRESPONDENCE FILE

In working with the N.T.S.P. (Neighborhood Traffic Safety Program) I will try and identify the process that has taken to get us to Step 8 of the N.T.S.P. which is Common Council Action.

**Step 1 – Apply to Participate**

The City of Bloomington received the Participation Application for traffic calming on May 24, 2002 from the Prospect Hill Neighborhood Association. This application was endorsed by Councilman Patricia Cole and signed petitions from the neighboring area were attached.

**Step 2 – Engineering Staff Review and Preliminary Data Collection**

The Engineering department performed traffic studies in October 15, 2001. Attached is a copy of a data sheet that shows collected count information and is labeled as Exhibit “A”. That study clearly showed that 85<sup>th</sup> Percentile Speed for Westbound traffic on Third Street between Buckner Street and Davisson Street was 33 m.p.h. Accident studies were also collected but did not indicate a specific problem situation with 4 accidents occurring since 1998. Engineering Department also met with Police, Fire, and Emergency personnel to discuss traffic calming options. We received an overwhelming response to choose an alternative method other than our typical speed hump. We thought of this as a challenge to show the citizens of Bloomington that there are other alternatives available and this could be a unique location to be able to demonstrate their usage.

**Step 3 – BPSC Review of Engineering Studies and Petitions**

The BPSC reviewed the N.T.S.P. petition along with additional Engineering information at their July 19, 2002 meeting. BPSC voted in favor of the petition for traffic calming for this street.

**Step 4 – Public Meeting**

At the their August 19<sup>th</sup> BPSC meeting we scheduled a Public Meeting to discuss the traffic calming measures that were to be proposed. The public meeting for this project was held on October 15<sup>th</sup> 2002 at 5:30 in the Bloomington City Council Chambers. The public meeting was well attended by 19 residents.

### **Step 5 – Preparation of Alternative Designs and Selection of Proposed Plan**

This step of the process occurred at the September 4<sup>th</sup> meeting of the BPSC where the plan was evaluated for

Effectiveness – This plan by engineering standards shall perform to minimize traffic speed on this neighborhood. With traffic calming being relatively new to most people in the United States we reviewed numerous case studies and locations where we felt traffic calming would be effective in accomplishing its intended function. The potential gains versus costs and benefits associated with various traffic calming measures. The final consensus was to install Intersection Bump Outs (9 total) in this neighborhood along with the alternating of parking from the North side of the Road to the South side of the road every other block. The BPSC believes that the Bump outs will be the most beneficial measure for this particular site after taking into consideration all other alternatives.

Overall Public Safety – By being able to take into account pedestrian, bicycle and vehicular transportation, including emergency services personnel we support the implementation of this traffic calming along this section of roadway.

**Step 6 – Project Ballot** –Questions and Comments were taken at the public meeting concerning the selected form of traffic calming that was to be selected for this section of roadway. An Initial ballot was sent out the petition area. A total of 47 ballots were sent out with the results as follows: 20 yes, and 6 no. That translates into 42.6% voted yes for the traffic calming, but according to Step 6 of the NTSP “ If, however, less than 50% of all eligible ballots respond in favor of the project, but at least 60% of those returned ballots are in favor of the project, then a second ballot shall be mailed out to those address that did not respond to the first ballot.” 76.9% of the returned ballots were in favor of the project so a second ballot was sent out the non-responding address. After the second ballot of the total of 47 ballots were sent out the results are as follows: 26 yes, and 6 no, That translates into 55.3% voted yes for the traffic calming.

### **Step 7 – Testing and Evaluation of Traffic Calming Devices**

This step is used in other Neighborhood Traffic Safety Program requests the implementation of the selected traffic calming measures on a temporary basis. At the June 2, 2003 BPSC work session the BPSC requested that this step be implemented with the use of cones or barricades on a temporary basis (one week or less). This phase has been completed and confirms the size and location of the traffic calming devices as shown on the project ballot.

This project will accomplish multiple benefits for the community by establishing safer travel ways for citizens of the community as well as enhancing the quality of life in our area neighborhoods. Please let me know if I can answer any questions regarding the above mentioned issues, as I look forward to presenting this Ordinance to you in the upcoming weeks.

Thank you,

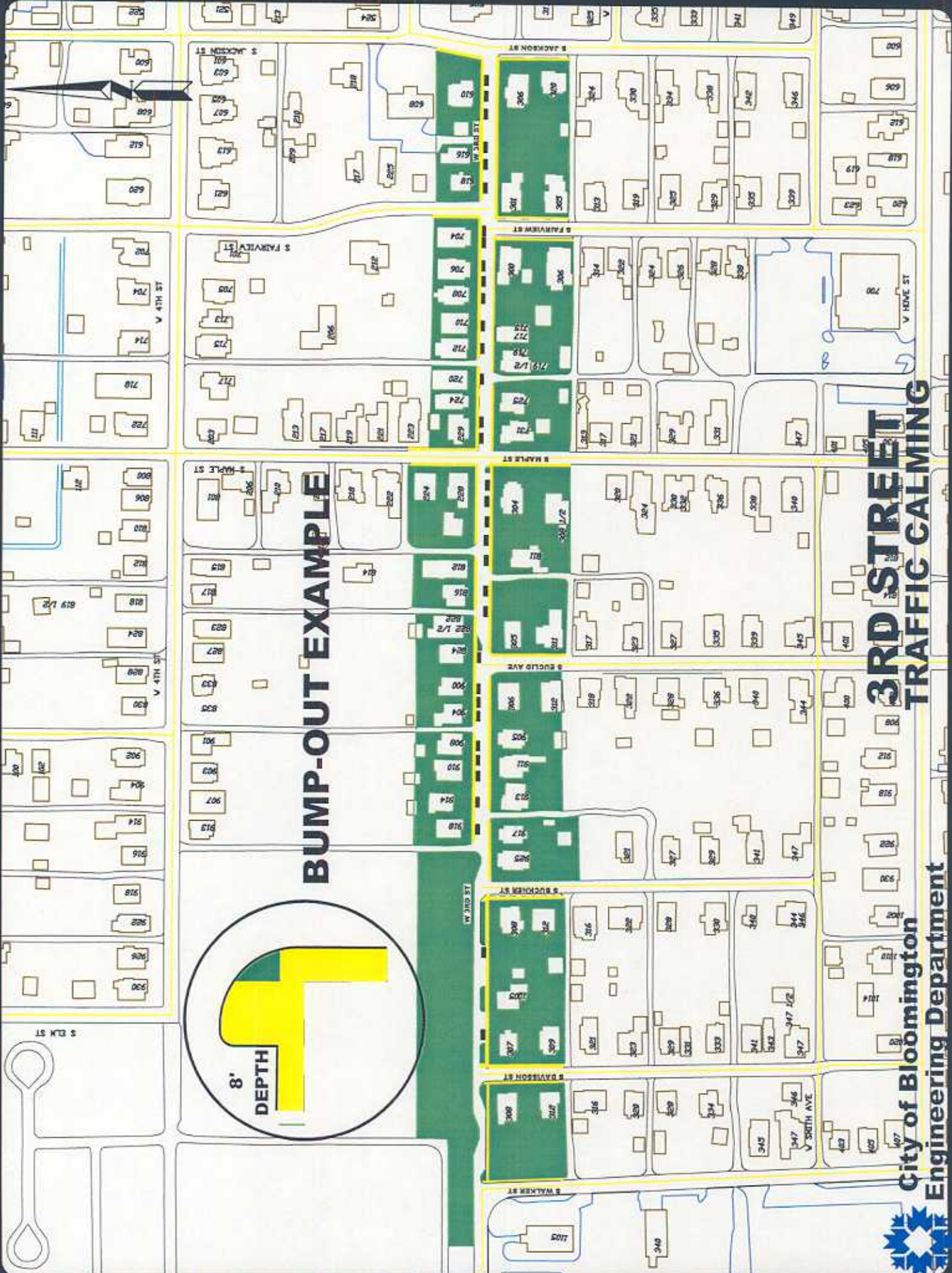
Justin Wykoff

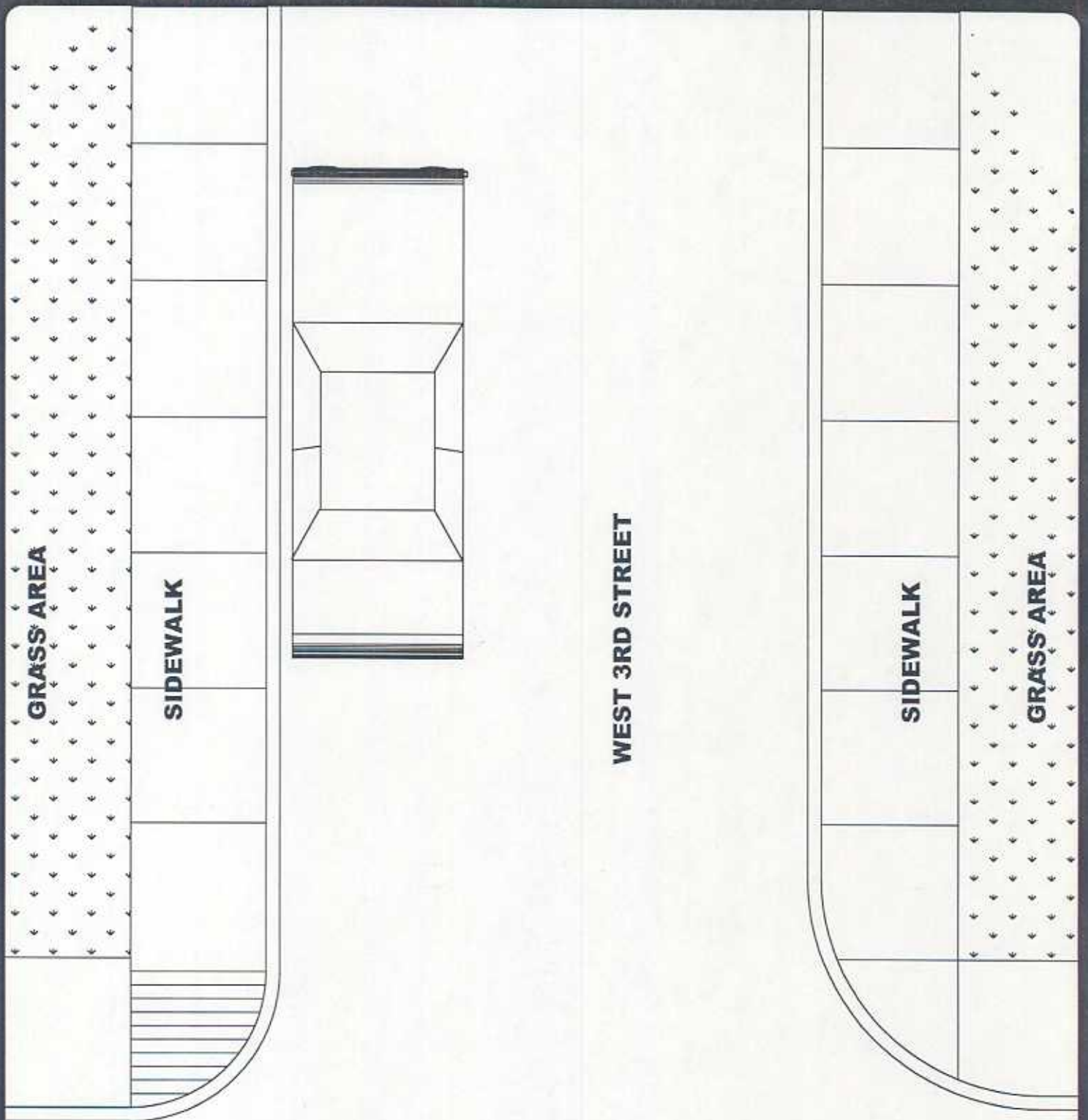


# BUMP-OUT EXAMPLE

## 3RD STREET TRAFFIC CALMING

City of Bloomington  
Engineering Department

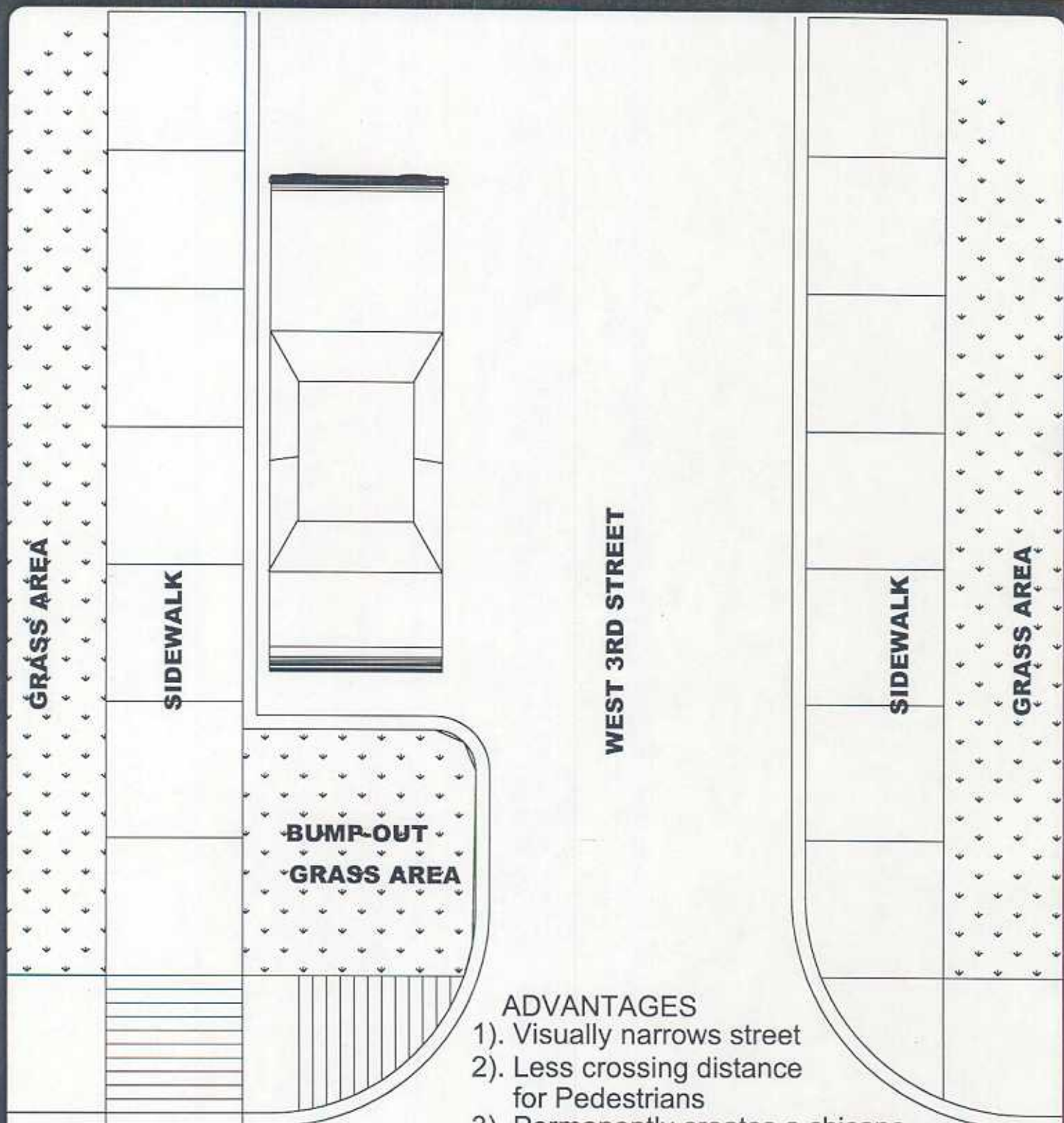




## WITHOUT THE CURB BUMP-OUT



City of Bloomington  
Engineering Department



#### ADVANTAGES

- 1). Visually narrows street
- 2). Less crossing distance for Pedestrians
- 3). Permanently creates a chicane effect even when no parked cars are present

## WITH THE CURB BUMP-OUT



City of Bloomington  
Engineering Department

## City of Bloomington Neighborhood Traffic Safety Program Participation Application

Please fill out the following request form as accurately as possible and return the original copy of this form by mail or hand delivery (sorry, no faxes) to:

ATTN: Russell White, City Engineering Department,  
401 N. Morton Street, Suite #130, Bloomington, IN 47404.

Name: SCOTT KELLOGG Date: 4/29/02  
Telephone #: 334-3021 e-mail: SCOTT@KIVA.NET  
Neighborhood Association (If Applicable): PHNA  
Street Name(s): 308 S. BUCKNER ST.  
Section and Township of Neighborhood (If known): \_\_\_\_\_  
City Councilperson Signature: [Signature] Date: 4-25-2002

### General Description of Problem:

Please be as descriptive as possible. Include references, if applicable, to excess speed, cut through traffic, congestion/excess volume, safety concerns, running/ignoring regulatory signs, etc. If necessary, use another sheet of paper and attach to this application.

TRAFFIC STUDIES HAVE SHOWN EXCESSIVE SPEED AND  
VOLUME, AS WELL AS SAFETY CONCERNS AND IGNORING OF  
REGULATORY SIGNS ALONG 3<sup>RD</sup> STREET BETWEEN ROGERS  
AND

### Suggestions and Comments:

Suggestions are very helpful to City staff so that we can get a better feel of what your neighborhood wants to accomplish from this program, and what types of studies would be most appropriate. This can include changes to infrastructure, educational programs, increased enforcement, or any other measure that you, as a neighborhood or group, feel that the City can do to address your concerns. A process that has proven to be very helpful is when neighborhoods and groups conduct surveys beforehand and include them with the application. If necessary, use another sheet of paper and attach to this application.

SEE ATTACHED

\*\*\*\*\*NOTES\*\*\*\*\*

### Neighborhood Traffic Safety Program:

Copies of the complete NTSP are available from the City Engineering Department anytime during regular business hours. It is highly recommended that the entire process be carefully reviewed before any application is made.

### Questions about the application or the NTSP:

Any questions about the NTSP or the application should be directed to: Russell White, (812) 349-3417 or [engineering@city.bloomington.in.us](mailto:engineering@city.bloomington.in.us)

### In General:

It is also encouraged for the applying party to have a 'pre-application' meeting. In this meeting the Engineering Department can provide assistance such as mailing lists, maps of the areas in question and general advise and guidance in other matters, such as determining effected areas for the application.

### Resident Signatures:

A petition, with signatures and addresses, from at least 51% of the effected residences/businesses in the neighborhood or area must be attached to this application for submittal. Each household or business is entitled to ONE signature on the petition. The City Engineering Department will verify all addresses.

Thank you for your interest in the City of Bloomington Neighborhood Traffic Safety Program

## Traffic Calming Devices

This document addresses each traffic calming device mentioned in Appendix C of the Neighborhood Traffic Safety Program pamphlet.

### 1. Street and Lane Narrowing

West Third St. is one-way, and cars park on the north side of the street. Several elderly residents said that they are fearful they would lose their parking privileges if the street were narrowed.

### 2. Bicycle lanes

This traffic calming approach has similar flaws as street narrowing.

### 3. Raised Street Sections or Speed Humps

This is probably the best solution to the problem. Gentle speed humps cannot be ignored, and are efficacious in reducing overall traffic speed. Painted cautionary symbols are needed in conjunction with the speed humps. Rumble strips, however, are not an appropriate solution because they would add to the noise pollution created by the high volume of vehicles.

### 4. Full or Partial Road Closures

This is also a good solution to the problem. Many residents thought it would be great to close access to the street and eliminate the traffic problem altogether.

### 5. Chicanes

Residents were generally opposed to the installation of chicanes on West Third St.

### 6. Traffic Circles

Residents were generally opposed to the installation of traffic circles on West Third St. They cited West 6th St. as a negative example.

### 7. Stop signs

The pamphlet states that rather than using stop signs as traffic calming devices, they are generally used "to assign right-of-way at an intersection." Residents have observed repeated rolling stops, or total disregard, for the existing signs on the part of drivers passing along West Third St.

Additionally, we have contacted both the local and county police with the hopes of monitoring speed along West Third Street. Although the county police did attend one PHNA meeting, neither local nor county police have demonstrated follow-through regarding increased patrols. We have emailed and phone each branch numerous times.

# PROSPECT HILL

## Engineering Study Data Summary

Three types of studies were conducted for this area: Volume, Speed, and Accident Frequency. These studies took place as a result of a request for traffic calming in the Prospect Hill neighborhood which contains the following streets:

West 3<sup>rd</sup> Street between South Maple Street and South Euclid Avenue  
West 3<sup>rd</sup> Street between South Buckner Street and South Davison Street

For the Volume and Speed Studies, pneumatic tube-type traffic counters were used to collect vehicle data. The City Engineering Department staff placed two (2) counters on 15 October 2001 at the following locations in the neighborhood:

West 3<sup>rd</sup> Street between South Maple Street and South Euclid Avenue  
West 3<sup>rd</sup> Street between South Buckner Street and South Davison Street

The traffic counters collected data for seven (7) days or 168 consecutive hours at midpoint locations between intersecting streets. The 168-hour intervals insure the most accurate data in the event of a random volume spike, such as the result of public and sporting events.

The Cut Through Traffic study was not conducted at this location due to a collapsed storm drain pipe that forced the temporary closing of the intersection of Patterson and 3<sup>rd</sup> street

The accidents that occurred within the Prospect Hill neighborhood were closely evaluated to determine if any could have possibly been avoided by the installation of some type of traffic calming device and/or a reduction in motor vehicle speed through the neighborhood.

The resulting data from these studies are as follows:

### 1. Traffic Volumes:

(West 3<sup>rd</sup> Street between S. Maple and S. Euclid) 15 October 2001

Westbound: 998 Veh./Day

Eastbound: 4 Veh./Day

Total: 1002 Veh./Day

(West 3<sup>rd</sup> Street between S. Buckner and S. Davison) 15 October 2001.

Westbound: 981 Veh./Day

Eastbound: 3 Veh./Day

Total: 984 Veh./Day

### 2. 85<sup>th</sup> Percentile Speeds\*:

(West 3<sup>rd</sup> Street between S. Maple and S. Euclid) 15 October 2001.

Westbound: 28 mph

(West 3<sup>rd</sup> Street between S. Buckner and S. Davison) 15 October 2001.

Westbound: 33 mph

**3. Number of vehicles in excess of 30 (mph) (per 24 hour period) for seven (7) days:**

(West 3<sup>rd</sup> Street between S. Maple and S. Euclid) 15 October 2001.

Westbound 31-35: 43 vehicles  
Westbound 36-40: 23 vehicles  
Westbound 41-45: less than 1 vehicle (2 vehicles during the week)  
Westbound 46-50: 0 vehicles  
Westbound 51-55: 0 vehicles  
Westbound 56-60: 0 vehicles

(West 3<sup>rd</sup> Street between S. Buckner and S. Davison) 15 October 2001.

Westbound 31-35: 293 vehicles  
Westbound 36-40: 52 vehicles  
Westbound 41-45: 18 vehicles  
Westbound 46-50: 1 vehicle  
Westbound 51-55: less than 1 vehicle (4 vehicles during the week)  
Westbound 56-60: less than 1 vehicle (4 vehicles during the week)

**4. Cut Through Traffic:**

Due to the road closure described above, this study was not performed at this location.

**5. Accident Data**

Accident reports for every intersection within and around the neighborhood were evaluated. Of the 4 accidents\*\* that occurred in and around the Prospect Hill neighborhood in the past five (5) years, none were considered possibly avoidable by the installation of some type of traffic calming device and/or a reduction in motor vehicle speed through the neighborhood.

*\* The 85<sup>th</sup> Percentile Speed is the speed at which 85 percent of the motorists are travelling at or under; this speed is typically used for various traffic engineering calculations.*

*\*\* The 4 accidents that occurred in the previous 5 years were at the following locations:*

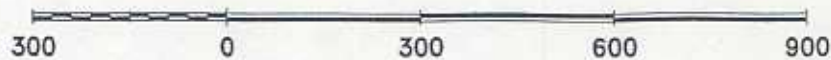
*West 3<sup>rd</sup> Street and South Fairview: 1 Accident  
West 3<sup>rd</sup> Street and South Maple: 1 Accident  
West 3<sup>rd</sup> Street and South Euclid Avenue: 1 Accident  
West 3<sup>rd</sup> Street and South Walker Street: 1 Accident*

*Note: this is only a summary of the data collected for this specific site, it contains no recommendations or conclusions for this specific site.*



● Location of traffic counters

By: whiter  
15 Jul 02



For reference only; map information NOT warranted.

City of Bloomington  
Engineering



Scale: 1" = 300'

## West 3<sup>rd</sup> Street Traffic Calming Survey


On April 4, 2003 a traffic calming ballot was mailed out to your household. A deadline of May 9, 2003 was given for returning votes from this initial balloting. According to our records you household did not respond. This is a rebalot of the non-respondents to give everyone in the area a chance to have their votes counted.

At the City of Bloomington Traffic Commission meeting on February 26, 2003 the request from your neighborhood to alternate the parking restrictions from the North to the South in the section of 3<sup>rd</sup> street between South Maple Street to South Walker Street was approved. The bump-outs requested by your neighborhood are considered traffic Calming and therefore must remain in the Neighborhood Traffic Safety Program "NTSP". The next phase of the process Step 6 of the NTSP calls for a ballot to be sent out the affected area. This is that ballot, it will be used to determine if the bump-outs will be approved by your neighborhood.

Please print your name and address so we can verify the eligibility of your response to this survey. Your response below will be separated from this information — your name will not be associated with your vote on this issue. Only one vote is allowed per residence.

Resident Name: \_\_\_\_\_

Resident Address: \_\_\_\_\_

-----  
 This ballot will be separated by City Engineering Department staff. Please do not cut before sending.

## West 3<sup>rd</sup> Street Traffic Calming Survey

*Please check only one answer.* No special comments will be considered on this form. If a given response is not marked, this ballot will be considered a non-response. If you have a question or concern, please call **Russell White, Engineering Field Specialist**, at (812) 349-3417.

**Deadline for this ballot is June 6, 2003.**

☐ **YES:** As a resident in the Prospect Hill Neighborhood, I *AM* in favor of the permanent placement of the specified traffic calming devices on this street.

☐ **NO:** As a resident in the Prospect Hill Neighborhood, I *AM NOT* in favor of the permanent placement of any traffic calming devices on this street.

**NEIGHBORHOOD  
TRAFFIC  
SAFETY  
PROGRAM**

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## **INTRODUCTION:**

The City of Bloomington places a high value on neighborhood livability. Although livability can have several definitions, it can be generally thought of as encompassing the following characteristics:

- The ability of residents to feel safe and secure in their neighborhood.
- The opportunity to interact socially with neighbors without distraction or threats.
- The ability to experience a sense of home and privacy.
- A sense of community and neighborhood identity.
- The ability to conveniently, safely and enjoyably walk, bike and take transit.
- The ability of parents to feel that their children's safety is not at risk by playing in the neighborhood.
- A balanced relationship between multiple uses and needs of a neighborhood.

Neighborhood traffic conditions can have a significant impact on these characteristics.

As population and employment in the City of Bloomington and Monroe County continue to grow, Bloomington streets can be expected to experience increased pressure from traffic. One of several goals of the City of Bloomington is to manage this growth to balance our economic, social and environmental health and to maintain a sustainable City. Quality neighborhoods are the fundamental building blocks of a sustainable city, and to maintain this quality, Bloomington neighborhoods should be protected from the negative impacts of traffic.

Neighborhood groups across Bloomington have become increasingly concerned about the effects of traffic on their streets. Restraining traffic has become a common goal of concerned residents. A vision now being promoted for local streets is that motorists should be guests and behave accordingly. Many City streets used to be multi-purpose places which not only provided physical access but also encouraged social links within a community. Now, the balance has changed so that the main function of many streets has become the accommodation of traffic--some of it unrelated to the residents themselves.

At the same time, traditional Traffic Engineering means of controlling traffic--speed zoning, stop signs, traffic signals--have less and less effect in the management of driver behavior. Police enforcement is and will remain an effective tool to reinforce motorist behavior. However, it is recognized that providing an enforcement level that is effective in modifying driver behavior will require a significant commitment of Police resources.

The City of Bloomington is committed to developing an effective approach to managing neighborhood traffic. Neighborhood involvement will be an important component of this approach.

To maximize neighborhood involvement in improving local traffic conditions, the City of Bloomington Bicycle and Pedestrian Safety Committee (BPSC) with assistance from the Public Works, Engineering and Planning Departments has developed a Neighborhood Traffic Safety Program (NTSP) for Bloomington neighborhoods.

## **Objectives**

The following objectives of the NTSP are derived from existing City policies and the mission of the BPSC:

1. Improve neighborhood livability by mitigating the negative impact of vehicular traffic on residential neighborhoods.

2. Promote safe, reasonably convenient, accessible and pleasant conditions for bicyclists, pedestrians, motorists, transit riders and residents on neighborhood streets.
3. Encourage citizen involvement in all phases of Neighborhood Traffic Safety activities.
4. Make efficient use of City and citizen resources and energy.

## **Policies**

The following policies are established as part of the NTSP:

1. Through traffic should be encouraged to use higher classification arterials, as designated in the *Master Thoroughfare Plan* for the *City of Bloomington Comprehensive Plan*.
2. A combination of education, enforcement and engineering methods should be employed. Traffic calming devices should be planned and designed in keeping with sound engineering and planning practices. The City Engineer shall direct the installation of traffic control devices (signs, signals, and pavement markings) as needed to accomplish the project, in compliance with the Bloomington Municipal Code. (Refer to Appendix C for a detailed description of traffic calming devices.)
3. Application of the NTSP shall be limited to local streets and to those neighborhood collector streets that are primarily residential (at least 75 percent of the properties with frontage on the street must be in residential zoning). Traffic safety projects on neighborhood collector streets shall not divert traffic off the project street through the use of traffic diversion devices. As a result of a project on a neighborhood collector, the amount of traffic increase acceptable on a parallel local service street shall not exceed 150 vehicles per day.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. NTSP projects should encourage and enhance pedestrian and bicycle mobility and access within and through the neighborhood and enhance access to transit from the neighborhood. Reasonable automobile access should also be maintained.
6. Some traffic may be rerouted from one local service street to another as a result of an NTSP project. The amount of rerouted traffic that is acceptable should be defined on a project-by-project basis by the BPSC and City Engineering staff.
7. To implement the NTSP, certain procedures shall be followed by the Engineering Department in processing traffic safety requests in accordance with applicable codes and related policies and within the limits of available and budgeted resources. At a minimum, the procedures shall provide for submittal of project proposals, citizen participation in plan development and evaluation; communication of any test results and specific findings to area residents, businesses, emergency services and affected neighborhood organizations before installation of permanent traffic calming devices; and appropriate Common Council review.

## **Procedure/Process**

The NTSP provides a mechanism for groups to work with the City to make decisions about how traffic safety techniques might be used to manage traffic in their neighborhood. This section describes in detail the steps involved in participating in the program from the initial application for involvement, to

developing a traffic safety plan, to installing one or more traffic calming devices, to a follow-up evaluation of the plan's success.

The NTSP process is intended to ensure that all neighborhood stakeholders are provided the opportunity to be involved. This ensures that consideration of traffic problems on the study street do not result in the exacerbation of traffic problems on adjacent neighborhood streets and does not eclipse the needs and quality of the neighborhood as a whole. This includes a consideration of the impacts of traffic diversion onto collector and arterial streets.

### **Step 1. Apply to Participate**

NTSP projects can be requested by neighborhood associations or groups, Common Council members representing a neighborhood, neighborhood business associations or individuals from the neighborhood. It should be noted that although individuals are eligible to apply they are encouraged to work with or form a neighborhood association. Requests for participation in NTSP will be made through the BPSC (application form will be provided by and returned to City Engineering staff).

The petition from a problem street or area must describe the problem (i.e., speeding, inappropriate cut-through, ignoring stop signs, etc.) and request some infrastructure change to reduce the problem. The specific form of the infrastructure change may not be known at this point. The petition must also include signatures from at least 51% of the affected street or area households or businesses. This must include any other street that must use the problem street as its primary access (for example, a dead end street or cul-de-sac off the problem street). Each household or business is entitled to one signature.

Finally, any Common Council member must sign the petition as a sponsor.

### **Step 2. Engineering Staff Review and Preliminary Data Collection**

City Engineering staff will collect preliminary information about current conditions. This will include location, description of the problem and may include preliminary collection of traffic accident data, bicycle volume, pedestrian activity, traffic speed and through traffic. The Engineering Department will verify the percentage of households and businesses on the petition and if the percentage is sufficient, they shall notify the affected safety and emergency services of the initiative. The affected safety and emergency services shall include, but not be limited to, the City Police and Fire Departments and the local ambulance service. This information will be relayed to the BPSC for consideration to decide whether the request will be prioritized for inclusion in the NTSP. Requests are also reviewed for possible solutions. If the preliminary review shows that a hazard to the public exists, the City may address the problem separately from the NTSP.

### **Step 3. BPSC Review of Engineering Studies and Petitions**

The BPSC will review the petition submitted as well as the preliminary data collected by the Engineering Department. At this point, the BPSC will either validate or reject the petition. They will also prioritize the petition with respect to other petitions and available resources within the current funding cycle (detailed in Appendix B). Petition validation is a commitment to try to do something about the problem.

Petitions with the highest priority ranking will continue to the next step.

### **Step 4. Public Meeting**

The BPSC will send notices to all households and businesses within a defined project area to provide background information about the proposed project. The project area depends on the specific project, but

generally includes all properties on the project street, on cross streets up to the next parallel local street (or up to 300 feet from the project street) and on any other street that must use the project street as its primary access. For neighborhood collector streets, the next parallel local street (if one exists within 500 feet of

the problem street) will also be included in the notification area. Representatives of the emergency service providers will also receive notification of the meeting. This notice will include an invitation to participate in a public meeting to help exchange ideas, address concerns and discuss possible traffic safety alternatives.

In addition to considering traffic calming and traffic control devices, plans developed in the NTSP will also consider the positive effects of education and enforcement.

### **Step 5. Preparation of Alternative Designs and Selection of Proposed Plan**

The Engineering Department and the BPSC will hold an informal work session to prepare alternatives that address the neighborhood problem. The neighborhood is welcome to participate in this workshop to provide input.

The BPSC will assess the problems and needs of the neighborhood and propose solutions based on citizen input and sound engineering principles. Possible solutions and their impacts will be evaluated with consideration given to:

- Estimated costs vs. potential gain
- Effectiveness
- Pedestrian, bicycle and transit access
- Community wide benefit to bicycles and pedestrians
- Overall public safety
- Positive and negative consequences of traffic division
- Emergency and service vehicle access

The BPSC will identify the preferred alternative and City staff shall prepare a ballot for neighborhood approval.

If it is determined from both the public meeting and an informal work session of the BPSC that traffic safety techniques other than traffic calming devices are the preferred alternative, the proposal may not need to proceed through the additional steps as designated in the NTSP. The City Engineering Department will continue to work with the neighborhood on alternative neighborhood traffic safety techniques.

### **Step 6. Project Ballot**

#### Local Service Streets:

All of the properties on the project street and on any other street that must use the project street as their primary access are sent notification that a proposed alternative has been selected. This notification will consist of a description of the proposal as well as a confidential mail ballot asking if they are in support of the project. Each household and business is entitled to one response.

To forward a project to Common Council for action, a majority of the eligible households and businesses must respond favorably by ballot. If over 50% of all eligible ballots respond in favor of the project, then it will be forwarded to the Common Council. If, however, less than 50% of all eligible ballots respond in favor of the project, but at least 60% of those returned ballots are in favor of the project, then a second

ballot shall be mailed to those addresses that did not respond to the first ballot. Ballots will be tallied for a period of four weeks from the time of distribution; ballots postmarked after the expiration date of the four-week period will not be tallied.

#### Neighborhood Collector Streets:

All of the properties on the project street, on cross streets up to the next parallel street (or up to 300 feet from the project street) and on any other street that must use the project street as their primary access are sent notification that a proposed alternative has been selected. This notification will consist of a description of the proposal as well as a confidential mail ballot asking if they are in support of the project. Each household and business is entitled to one response.

To forward a project to Common Council for action, a majority of the eligible households and businesses must respond favorably by ballot. If over 50% of all eligible ballots respond in favor of the project, then it will be forwarded to the Common Council. If, however, less than 50% of all eligible ballots respond in favor of the project, but at least 60% of those returned ballots are in favor of the project, then a second ballot shall be mailed to those addresses that did not respond to the first ballot. Ballots will be tallied for a period of four weeks from the time of distribution; ballots postmarked after the expiration date of the four-week period will not be tallied.

#### **Step 7. Testing and Evaluation of Traffic Calming Device**

A test of the traffic calming plan may occasionally be required to determine its effectiveness. If the Engineering Department and BPSC determine that testing is necessary, temporary traffic calming devices shall be installed for a period of at least one month.

Following the test period, data will be collected to evaluate how well the test device has performed in terms of the previously defined problems and objectives. The evaluation includes the project street and other streets impacted by the project and is based on before-and-after speeds and volumes, impacts on emergency and service vehicles or commercial uses, and other evaluation criteria determined by the BPSC. If the evaluation criteria are not met to the satisfaction of the BPSC and City Engineering staff, the traffic plan may be modified and additional testing conducted. If the test installation does not meet the project objectives, the request will need to go back to Step 5 for additional alternatives and neighborhood ballot.

If the City Engineer finds that an unforeseen hazard exists, the test may at any time be revised or discontinued. City Engineering staff will inform the BPSC and the neighborhood of any actions taken to modify or terminate a test.

When testing of traffic calming or traffic control devices is not possible or necessary, the plan will proceed to Step 8.

#### **Step 8. Common Council Action**

Based on the project evaluation and a positive ballot, City staff members prepare a report and recommendations for the Bicycle and Pedestrian Safety Commission to forward to the Common Council for action. The report outlines the process followed, includes the project findings, and states the reasons for the recommendations.

If a project does not obtain the required ballot approval, it is not forwarded to the Common Council.

#### **Step 9. Board of Public Works**

After the project has been approved by the Common Council, detailed project plans, specifications and estimates will be prepared by City Engineering staff.

Before the project(s) can be constructed by the City's Street Department or let for bidding by construction companies, the project plans and construction fund expenditures must be approved by the Board of Public Works.

If a project is not approved, it will be referred back to the Engineering staff to address the Board's concerns.

#### **Step 10. Construct Permanent Traffic Calming Device(s)**

Construction is administered by the City and is generally completed during the following construction season.

#### **Step 11. Maintenance**

The City of Bloomington Engineering and Street Departments are responsible for the construction and maintenance of any traffic calming device implemented as part of this program. The Traffic Division is responsible for any traffic signing and pavement marking or delineation. Any trees planted within the right-of-way are the responsibility of the Parks and Recreation Department and any landscaping (not including trees) is the responsibility of the neighborhood association.

#### **Step 12. Follow-up Evaluation**

Within six months to one year after construction of an NTSP project, the City may conduct a follow-up evaluation to determine if the project's goals and objectives continue to be met. This evaluation may entail traffic studies of volumes, speeds and accidents as well as public opinion surveys.

## **APPENDIX A**

### **VISION AND MISSION STATEMENT OF THE CITY OF BLOOMINGTON**

#### **THE MISSION OF CITY GOVERNMENT**

- **QUALITY DELIVERY OF BASIC SERVICES AND PROGRAMS**

Do well those things that municipal government is uniquely expected and able to do - public safety, streets and roads, parks, etc.

- **CONTINUOUS GOVERNMENT IMPROVEMENT**

Develop and implement the management and information systems that allow the determination and evaluation of the best practices and methods for the delivery of services and programs.

- **PRESERVE AND ENHANCE COMMUNITY CHARACTER**

Maintain, develop and implement policies that foster those aspects of our community spirit and our civic life that, combined, constitute the cherished quality of life that is uniquely Bloomington's.

#### **A VISION OF COMMUNITY**

- |   |                                    |
|---|------------------------------------|
| • A SAFE AND CIVIL CITY                   | NEIGHBORHOODS AS VILLAGES,         |
| • A PLACE OF BEAUTY                       | CONNECTED TO EACH OTHER AND        |
|   | COMMUNITY                          |
| • A CAPITAL OF KNOWLEDGE                  | THE FRIENDLIEST TOWN AROUND        |
| • A CULTURAL OASIS                        | DIFFERENT FOLKS, DIFFERENT STROKES |
| • BIG CITY ADVANTAGES, SMALL<br>TOWN FEEL |                                    |

#### **CIVIC VALUES**

- |  |  |
|--|--|
| • ABOVE ALL, NO VIOLENCE               | DISCOURSE SHOULD BE CIVIL              |
| • KIDS FIRST                           | AESTHETICS MATTER                      |
| • COMPASSION FOR CITIZENS IN<br>CRISIS | HEARTS AND SOULS NEED<br>NOURISHED TOO |
| • CHARACTER THROUGH DIVERSITY          |  |

## APPENDIX B

### POINT ASSIGNMENT FOR RANKING NTSP REQUESTS

		Point assigned	
1)	Percent of vehicles traveling over the posted speed limit		
	low = 33%	1	
	medium = 33 - 67%	2	
	high = 68+%	3	
	A) Cut through traffic versus within (intra?) neighborhood speeding:		
	Further study?	Yes/no	
2)	Average daily traffic volumes		
	Local Service Streets	Neighborhood Collector Streets	
	low = 1 – 599	low = 500 – 1,499	1
	medium = 600 – 1,499	medium = 1,500 – 3,499	2
	high = 1,500+	high = 3,500+	3
3)	Number of accidents along proposed calming area in 3 year period		
	low = 1 - 2	1	
	medium = 3 - 4	2	
	high = 5+	3	
		Yes	No
4)	Creation of pedestrian and bicycle networks		
	school walk route	1	0
	school on proposed traffic calming street	1	0
	designated bicycle route	1	0
	route in or to pedestrian area (e.g., park, shopping, etc.)	1	0
	proposed calming street has NO sidewalks	1	0
	proposed calming area has NO bike lanes	1	0
	within walking distance to transit	1	0
5)	Scheduled road construction/reconstruction in proposed calming area	2	0
TOTAL POINTS:		<hr/>	
Priority rank:			
Comments and recommendations:			

Calculated points are summed and competing projects' point totals are compared. The project with the greater point total moves ahead of those projects with less total points.

## APPENDIX C

### TRAFFIC CALMING DEVICES

Traffic calming relies upon physical changes to streets to slow motor vehicles or to reduce traffic volumes. These changes are designed to affect drivers' perceptions of the street and to influence driver behavior in a manner that is self-enforcing. Unlike traditional methods of traffic management, traffic calming does not rely primarily upon the threat of police enforcement for its effectiveness. Items which may be considered as traffic calming devices and which may be applied in a NTSP project are shown in Table 2.

#### 1. Street and Lane Narrowing

Motorists tend to drive at speeds they consider safe and reasonable and tend to drive more slowly on narrower roads and traffic lanes than wider ones. Reducing road widths by widening boulevards or sidewalks intermittently or introducing medians can reduce traffic speeds. The judicious placement of parking (protected by curbs and made more visible by landscaping) can achieve the same effect. Road narrowing has the added advantage of reducing the expanse of road to be crossed by pedestrians, thus reducing pedestrian crossing time.

Other criteria to be applied and considered prior to street narrowing include:

- **Bicycle Accommodations:** On local streets designated as a bike route or serving a significant volume of bicycle traffic, a sufficiently wide bicycle lane should be provided through the narrowed area. Where traffic and/or bicycle volumes are sufficiently low, exclusive bicycle lanes may not be required.
- **Snow Removal:** The pavement width of streets shall not be narrowed to a point where it becomes an impediment to snow removal.
- **Parking Restrictions:** In most cases on local access streets, street narrowing will require the prohibition of parking at all times along the street curb the full length of the *narrowed section* plus 20 feet.
- **Landscaping:** Median landscaping can be selected by neighborhood associations from an approved landscaping materials list provided by the City. Landscaping will be provided and installed by the City and will be maintained by the neighborhood association or landscape volunteer. If the landscaping is not maintained, the median will be topped with concrete or asphalt pavement.
- **Median Width/Lane Width:** Where medians are used to narrow streets, the medians shall not be constructed at less than four feet in width. Travel lanes shall not be narrowed to a width less than nine feet, exclusive of gutter. Bicycle lanes where required shall be four feet wide exclusive of gutter, unless the gutter is poured integral to the bicycle lane, in which case the bicycle lane will be five feet wide. If parking is allowed, the parking and bicycle lane combination shall be a minimum of 13 feet.

#### 2. Bicycle Lanes

Lane widths available to motorists can be reduced on some streets by the installation of bicycle lanes, either next to the curb (preventing stopping or parking by motor vehicles) or adjacent to parking. The space needed for bicycle lanes introduced on an existing street may reduce the width or number of general traffic lanes or the amount of parking. Bicycle lanes shall be constructed to the standard specifications of the Bloomington Public Works Department

### 3. Raised Street Sections or Speed Humps

Raised street sections or speed humps can reduce vehicle speeds on local streets. The hump is a raised area, no greater than 3 inches high, extending transversely across the street. For local streets, speed humps typically are constructed with a longitudinal length of 12 feet. If speed humps are determined to be appropriate for neighborhood collector streets, they shall be constructed with a longitudinal length of 22 feet. These longer speed humps may also be considered on local service streets that serve as primary emergency response routes.

Other criteria to be applied prior to installation of speed humps include:

- **Signing/Marking:** Speed humps are required to be signed with a combination of signs and pavement marking to warn motorists and bicyclists of their presence.
- **Traffic Safety and Diversion:** Any use of speed humps must take into consideration the impact the installation will have on long-wheel-based vehicles (fire apparatus, ambulances, snow plows and garbage trucks) and the potential to divert traffic to other adjacent streets. Speed humps should only be installed to address documented safety problems or traffic concerns supported by traffic engineering studies.
- **Street Width:** Speed humps should be used on streets with no more than two travel lanes and less than or equal to 40 feet in width. In addition, the pavement should have good surface and drainage qualities.
- **Street Grade:** Speed humps should only be considered on streets with grades of 8% or less approaching the hump.
- **Street Alignment:** Speed humps should not be placed within severe horizontal or vertical curves that might result in substantial horizontal or vertical forces on a vehicle traversing the hump. Humps should be avoided within horizontal curves of less than 300 feet centerline radius and on vertical curves with less than the minimum safe stopping sight distance. If possible, humps should be located on tangent rather than curve sections.
- **Sight Distance:** Speed humps should generally be installed only where the minimum safe stopping sight distance (as defined in AASHTO's *A Policy on Geometric Design of Streets*) can be provided.
- **Traffic Speeds:** Speed humps should generally be installed only on streets where the posted or prima facie speed limit is 30 mph or less. Speed humps should be carefully considered on streets where the 85th percentile speed is in excess of 40 mph.
- **Traffic Volumes:** Speed humps should typically be installed only on streets with 3,000 vehicles per day or less. If considered for streets with higher volume, their use should receive special evaluation.
- **Emergency Vehicle Access:** Speed humps should not be installed on streets that are defined or used as primary emergency vehicle access routes. If humps are considered on these routes, special care must be taken to ensure reasonable access is provided.
- **Transit Routes:** Speed humps should generally not be installed along streets with established transit routes. If humps are installed on transit routes, their design should consider the special operational characteristics of these vehicles.

#### **4. Full or Partial Road Closures (Semi-Diverter/Diverters/Cul-de-sac)**

Roads can be closed to motor vehicles at intersections, preventing through movement and requiring access to be gained from other streets. Closure should be undertaken in such a way as to avoid simple displacement of traffic to adjacent residential streets. It will usually be possible and desirable to retain pedestrian and bicycle access.

- Partial intersection closures can be achieved by narrowing a street to one lane at an intersection and instituting an entry restriction. Another technique is to introduce a “diagonal diverter” or barrier diagonally across an intersection which forces traffic off a favored short-cut. Gaps can be left to allow access by pedestrians and bicyclists.
- Partial Closures: Partial roadway closures at intersections will require consideration of pedestrian and bicycle access and lane width requirements similar to those defined under Street and Lane Narrowing.

#### **5. Chicanes**

Chicanes are a form of curb extension which alternate from one side of the street to the other. The road is in effect narrowed first from one side then the other and finally from the first side again in relatively short succession. Chicanes break up the typically long sight lines along streets and thus combine physical and psychological techniques to reduce speeds.

- Lane Width: Where chicanes are used, the travel lanes shall not be narrowed to a width less than nine feet, exclusive of gutter. Bicycle lanes where required shall be four feet wide exclusive of gutter, unless the gutter is poured integral to the bicycle lane, in which case the bicycle lane will be five feet wide.
- Snow Removal: Chicanes shall be designed to minimize the accumulation of snow piles and trash in the gutter interface between existing curb and gutter and chicane.
- Landscaping: Landscaping will typically consist of grass. Other landscaping may be selected from an approved landscaping list provided by the City. Landscaping may be provided and installed by the City and will be maintained by the Neighborhood Association or landscaping volunteer. Landscaping will not be approved which will obstruct the driver’s vision of approaching traffic, pedestrians or bicyclists.

#### **6. Traffic Circles**

Traffic circles are circles of varying diameter formed by curbs. Motorists must drive around the circle, or in the case of longer vehicles, drivers may drive slowly onto and over a mountable concrete curb forming the circle. Traffic circles reduce motor vehicle speeds through the intersections, depending on current intersection controls in place.

Other criteria to be applied and considered prior to installation include:

- Design Considerations: For each intersection the size of the circle will vary depending on the circumstances for that specific intersection. In general, the size of the circle will be determined by the geometry of the intersection.
- Where intersecting streets differ significantly in width, it may be more appropriate to design an

elongated “circle” using half circles with tangent sections between them. Smaller circles will be constructed on a case-by-case basis. Normally the circle will be located as close to the middle of the intersection as practical. Under special circumstances, such as being on a Fire Department response route, bus route or due to snow removal accommodations, the size and/or location of the circle will be adjusted to more appropriately meet these special circumstances.

- Design Considerations for “T” Intersections: For “T” type intersections, all of the above design considerations apply. In addition, curb extensions (or curb bulbs) may be included along the top of the “T” at the entrance and exit to the intersection.
- Signage: Appropriate signage for traffic circles will be determined by the City Engineer and may vary based on the location of the circle.
- Channelization: Where curbs do not exist on the corner radii, painted barrier lines, defining the corners, should be installed.

Yellow retro-reflective lane line markers shall be placed on top of the circle at its outer edge.

- Parking Removal: Normally, parking will not be prohibited in the vicinity of the circle beyond that which is prohibited by the City of Bloomington, ie, “within the intersection” or “within 20 feet of a crosswalk area”. However, where special circumstances dictate, such as where the circle is on a response route for the Fire Department or to accommodate snow removal, or in an area where there is an unusually high use by trucks, additional parking may be prohibited as needed.
- Sign Removal: At intersections where circles are to be installed, any previous right-of-way controls may be removed at the time of circle construction completion. However, where special circumstances dictate, the existing traffic control may remain in place or be otherwise modified at the direction of the City Engineer.
- Landscaping: Landscaping will be selected by the neighborhood association or the City Parks and Recreation Department from an approved landscaping materials list provided by the City. Landscaping will be provided and installed by the City and will be maintained by the neighborhood association. If the landscaping is not maintained, the traffic circle will be topped with concrete or asphalt pavement.

Volunteer Required: Plant material will only be installed at traffic circles where a local resident or neighborhood association has volunteered to maintain the plant material. This maintenance will include watering, weeding and litter pick-up, as needed. All volunteers will be provided with information on maintenance of the plant material and common problems.

Points at which volunteers will be required: During initial contact, the person or neighborhood association requesting participation in the NTSP will be informed of the need for a volunteer for landscaping. In the notice of the neighborhood meeting, before construction, all residents will be informed of the need for a maintenance volunteer. This will be reiterated at the meeting if no one has volunteered. If no one has volunteered by the time that the circle is constructed, a special letter will be distributed to all residents informing them of the need for a volunteer (Figure 4). A final notice to residents will be included in the cover letter for the “after” survey of the residents.

Plant Replacement: Where the Public Works Department has had installed plant material in a traffic circle, the Department will replace any plant material which is damaged by traffic or vandalism or which dies due to planting, for a period of one year after the initial planting. If such damage is a

persistent problem, the Department may decide to cover the circle with a concrete or asphalt topping rather than continue to replace plant materials.

## **Stop Signs**

In some instances stop signs can be used as an effective traffic management and safety device. However, stop signs are not used as a traffic calming device within the NTSP.

Stop signs are used to assign right-of-way at an intersection. They are installed at intersections where an accident problem is identified, where unremovable visibility restrictions exist (such as buildings or topography), and/or where volumes are high enough that the normal right-of-way rule is potentially hazardous.

Stop signs are generally not installed to divert traffic or reduce speeding. Studies from other jurisdictions show that such use of stop signs seldom has the desired effect. In fact, the use of stop signs solely to regulate speed typically causes negative traffic safety impacts (non-compliance with the signs and increased accidents as well as mid-block speeding).